

1

2

3

4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

8

9

10

11 INTERVIEW OF: WILLIAM STEPIEN

12

13

14

15 Thursday, February 10, 2022

16

17 Washington, D.C.

18

19

20 The interview in the above matter was held via Webex, commencing at 10:16 a.m.

21 Present: Representatives Luria, Aguilar, Schiff, and Lofgren.

1

2     Appearances:

3

4

5     For the SELECT COMMITTEE TO INVESTIGATE

6     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8     [REDACTED], INVESTIGATIVE COUNSEL

9     [REDACTED], INVESTIGATIVE COUNSEL

10    [REDACTED] STAFF DIRECTOR

11    [REDACTED], SENIOR INVESTIGATIVE COUNSEL

12    [REDACTED], CHIEF INVESTIGATIVE COUNSEL

13    [REDACTED], PROFESSIONAL STAFF MEMBER

14    [REDACTED], FINANCIAL INVESTIGATOR

15    [REDACTED], FINANCIAL INVESTIGATOR

16    [REDACTED], STAFF ASSOCIATE

17    [REDACTED], INVESTIGATIVE COUNSEL

18    [REDACTED], PROFESSIONAL STAFF MEMBER

19    [REDACTED], SENIOR INVESTIGATIVE COUNSEL

20

21

22     For WILLIAM STEPIEN:

23

24     KEVIN MARINO

1

2

3 Mr. [REDACTED] Why don't we go on the record?

4

5 Okay. So the time is 10:16. This is a transcribed interview of Mr. William  
6 Stepien conducted by the House Select Committee to Investigate the January 6th Attack  
7 on the United States Capitol pursuant to House Resolution 503.

7

8 And at this time, I'd ask the witness, Mr. Stepien, to please state your full name  
9 and spell your last name for the record.

9

Mr. Stepien. William Stepien. Last name S-t-e-p-i-e-n.

10

Mr. [REDACTED] And, counsel, if you don't mind introducing yourself as well.

11

Mr. Marino. Kevin H. Marino, M-a-r-i-n-o, Marino, Tortorella & Boyle, for the

12

witness.

13

Mr. [REDACTED]. Thank you, Mr. Marino.

14

Thank you, Mr. Stepien.

15

16 So this is going to be a staff-led interview. It's a transcribed interview, not a  
17 formal deposition, but I'm going to be the one who is primarily doing the questioning.

17

My name is [REDACTED], and I'm a senior investigative counsel for the

18

committee. To my right is [REDACTED], also investigative counsel for the committee.

19

To his right is [REDACTED], who's staff member of the committee. To my left is [REDACTED]

20

[REDACTED], chief investigative counsel for the select committee. And behind us, you may

21

be able to see her [REDACTED], who is a senior investigative counsel with the

22

committee as well.

23

24 On the Webex platform that we're using here to conduct this interview there's a  
25 number of other staff members, as well as the official reporters who are going to be  
transcribing both what we say and what you say. And although there are multiple

1 reporters that are listed, they're going to have one continuous transcript, and they may  
2 switch on or off.

3 And I would also note for the record that there are members who have joined us  
4 this morning and others who may be joining us later. Currently, we have Mrs. Elaine  
5 Luria, select committee member, and Ms. Zoe Lofgren, also a member of the committee.

6 And as I mentioned before we went on the record, I will let you know, as soon as I  
7 know this, any other members that come on, just so you're aware of that. I won't  
8 identify when members leave, though, so just when they're coming on. So let us know if  
9 you have any questions about that.

10 As I mentioned, there is an official reporter who is transcribing the record here  
11 today. And so to that end, I just ask that you let us finish our questions before you start  
12 answering, and we'll do the same for you. We'll let you finish your answers before we  
13 move on to our next question.

14 And just because it is being taken down, nonverbal responses like head nods or  
15 "uh-huh," stuff like that, is not really helpful for the record. So if that happens, it's  
16 perfectly normal, it happens in everyday language, but I may ask you just to confirm with  
17 a yes or no or to clarify your answer.

18 We do ask that you provide complete answers based on your best recollection of  
19 events. And we understand that some of this happened over a year ago. So if there is  
20 something that you don't recall, that's fine, just let us know and state that.

21 And if my question is not clear, which there is a good chance it might not be all the  
22 time, please feel free to ask for any clarification. I'd be happy to rephrase that. It's  
23 better that you understand my question than try to answer something that you don't  
24 quite understand.

25 Although this interview is not under oath, it's not a deposition, I do want to

1 remind you that you are speaking to an official proceeding in Congress, and you're talking  
2 to all staff members and Members of Congress. It is unlawful to deliberately provide  
3 false information to the committee.

4 Do you understand all the stuff that we've been through so far?

5 Mr. Stepien. I do.

6 Mr. [REDACTED]. Okay. And as I mentioned before, if you need any time to consult  
7 with Mr. Marino, or if you need a break for any reason, including lunch, just let us know.  
8 That's completely fine.

9 I think for the times you need to consult with Mr. Marino, what we'll do is we'll go  
10 off camera, mute -- you guys do the same thing -- but handle that however you would like  
11 and whenever you'd like.

12 Do you have any questions before we begin?

13 Mr. Stepien. I do not.

14 Mr. Marino. Nor do I.

15 EXAMINATION

16 BY MR. [REDACTED]:

17 Q Very good.

18 So you produced some documents to us according to the request that we sent to  
19 you, both directly to you and through your counsel, Mr. Marino, once he was retained.

20 Are you aware of any other documents that are responsive to our requests?

21 A I am not.

22 Q Okay. And as we go through today, we're going to ask you about some of  
23 the documents you provided as well some other documents that we've had, and we'll  
24 give you an opportunity to look at that, of course, before we ask any questions.

25 If there is anything that comes up, and you think of anything during the

1 deposition -- or, excuse me, the transcribed interview, excuse me -- that kind of refreshes  
2 your memory about what might be out there, that's perfectly fine. And I would just ask  
3 that you note that, and then I can follow up, or somebody can follow up with Mr. Marino  
4 about any additional steps that may be warranted.

5 So with that, if you don't mind just briefly summarizing your professional  
6 background, leading up to the first Trump campaign in 2016.

7 A Sure. Prior to the first Trump campaign in 2016, I was a -- I had launched a  
8 political consulting firm, New Jersey-based, had mostly New Jersey clients, in the years  
9 2014, '15, and for much of 2016 prior to joining the Trump campaign. I believe I joined  
10 the Trump campaign in late August, officially, of 2016.

11 Prior to my own consulting firm launched in 2014, I worked for Chris Christie. I  
12 managed Chris Christie's first campaign in 2009. I managed his second campaign for  
13 governor in 2013. And in between I worked in the governor's office in Trenton as his  
14 deputy chief of staff.

15 Prior to 2009, such is the life of a political operative, I bounced around quite a bit  
16 from campaign to campaign.

17 The 2008 cycle, I'm going in reverse order here, I worked for the Presidential  
18 campaign of John McCain. I was his national field director from about the springtime of  
19 2008 on.

20 Prior to my stint with Senator McCain, I worked on the Presidential campaign of  
21 Rudy Giuliani. That encompassed 2007 and just a little bit of 2008. That campaign  
22 ended in January.

23 In 2005 and 2006 I worked at the Republican National Committee.

24 Prior to that, I worked on the Presidential campaign in 2004 of President George  
25 W. Bush. I was his New Hampshire State political director.

1 Prior to that, New Jersey-based stuff. I ran a State Assembly campaign in 2003.  
2 I worked in a State Senate district office in 2002. I worked for a New Jersey-based  
3 political consultant, DuHaime Communications, in 2001.

4 And my first job out of college was serving as mostly the driver for a U.S. Senate  
5 campaign, a candidate named Bob Franks.

6 Q Okay. A lot of campaign and messaging experience in there.

7 So when you joined the 2016 Trump campaign, what was your role?

8 A I was the national field director.

9 Q What does that mean, just generally?

10 A Well, generally, it means, making sure that the voter contact operation in  
11 the States, the door knocks, the phone calls were being made; voter contact was being  
12 conducted, measuring, tracking, making sure that the work was being done and reported.

13 It was very much a numbers-based job. Tracking what States were hitting their  
14 marks, what States weren't. Do we need to move resources from State to State to make  
15 sure we are hitting our marks. Very much a numbers-based role.

16 And that was -- largely be a -- that was a similar role with the Trump campaign in  
17 2016.

18 Q Okay. Did you have a lot of candidate contact in your role in the 2016  
19 campaign, meaning with Mr. Trump?

20 A Very little.

21 Q After the campaign, what did you do?

22 A After the campaign, I accepted a job as the White House political director.

23 Q What did that mean? What was your day-to-day?

24 A Day-to-day was largely spent monitoring the political landscape around the  
25 country, monitoring polling data, seeing how -- you know, informing the President on

1 matters of intersection of policy and politics, making sure he was delivered poll numbers  
2 and analysis, keeping up-to-date on the 2018 midterm elections as they drew nearer,  
3 providing input as to his political calendar and travel schedule. That was largely the  
4 role.

5 Q How long did you do that?

6 A That was the role, I'm sorry.

7 Q Okay. How long did you do that?

8 A The first day was Inauguration Day 2017, and my last day was December  
9 of 2018. I can't remember the exact date.

10 Q What did you do when you left?

11 A When I left, I launched a political consulting firm with my business partner  
12 Justin Clark, National Public Affairs, and we got to work building the company together.

13 Q Mr. Clark, he is an attorney. Is that right?

14 A Correct.

15 Q Okay. And he is the same person who became counsel on the campaign  
16 ultimately in the 2020 run?

17 A Correct.

18 Q When did you become campaign manager for Mr. Trump's 2020 reelection?

19 A Mid-July 2020.

20 Q Did you have a role with the campaign before that? Were you consulting  
21 for them, for example?

22 A I was. I think my official title was senior political adviser. President's  
23 Trump reelection campaign was one of the clients of National Public Affairs.

24 Q And what was the nature of that consulting work for them? And how did it  
25 change once you became campaign manager?



1           A     The nature of my role before becoming campaign manager was largely to  
2     oversee an operation within the campaign that focused on outreach to States, State  
3     Republican parties, State Republican organizations, in preparation for the delegate  
4     selection process of the Republican National Convention.

5           After I became campaign manager, my role completely changed and I assumed a  
6     much wider portfolio.

7           Q     Okay. And let's talk about that.

8           What was the day-to-day? Obviously, every day is different, I imagine, in running  
9     a campaign. You're putting out multiple fires and dealing with issues that come up.  
10    But what was the general day-to-day that you had as campaign manager?

11          A     I inherited a campaign that was -- the day I was hired was, I believe,  
12    President Trump's low point in the 2020 daily average polling against President Biden. It  
13    was a campaign at a low point in the polls. It was structurally and fiscally deficient.

14          There was a great deal wrong with the campaign in both of those areas. So most  
15    of my day was spent fixing what -- and I think I took over with 115 days left in the  
16    campaign. Most of my time was spent fixing the things that could be fixed with  
17    115 days left in the campaign.

18          There were certain things that were -- I mean, remember, the President's  
19    reelection campaign launched on Inauguration Day 2017. So this was a campaign that  
20    was running for three and a half years by the time I took over as campaign manager.

21          With 115 days left and three and a half years behind the campaign, there are only  
22    certain things that you could fix. So I resolved to fix the things I thought I could fix that  
23    meant the most at that time.

24          And to me in that role was the campaign budget, making sure the campaign had a  
25    hard, firm control over the dollars it had and the dollars it was spending. Spent

1 reorganizing the campaign and making sure that internally we were operating at max  
2 efficiency.

3 And it was also -- you know, I said, I care a lot about numbers -- it was also spent  
4 reorganizing the campaign's data. You know, I'm a numbers guy, so I brought in more  
5 numbers people.

6 We added pollsters to the campaign. I added a data scientist, at least one data  
7 scientist to the campaign. And began speaking and communicating and enhancing their  
8 role with the campaign, because I wanted a very, very clear view as to where the  
9 campaign stood on any particular day pertaining to numbers.

10 Q I appreciate that. And I do want to go back and unpack a little bit of it.

11 It sounded like the budget was a big issue when you took over the campaign.  
12 And I think you mentioned you're aware of kind of the money that you had and the  
13 money it was spending.

14 How was the budgeting related, if at all, to the messaging and the data, the  
15 numbers that you're looking at?

16 A Could you repeat that question?

17 Q Yeah. How did the budgeting, the stuff that you were focused on fixing,  
18 how did that relate to the need for data scientists and the messaging that was coming out  
19 of the campaign, if at all?

20 Mr. Marino. Let me just. [REDACTED], I'm a little unclear as to what you're asking.

21 Mr. [REDACTED]. Yeah.

22 BY MR. [REDACTED]

23 Q Let me just start over. And maybe I'll just do this a different way. And I'll  
24 start with actually the second part of that.

25 When you're talking about getting a clear view of the numbers and the data and

1 bringing in data scientists and pollsters, could you be a little bit more specific about what  
2 you were trying to get a picture of?

3 A Sure. Any -- well, not any, but most campaigns' largest line item on their  
4 budget is media and moneys they're spending on it, largely, for a Presidential campaign,  
5 TV.

6 I wanted to make sure that we were spending the campaign's dollars, which were  
7 in shorter supply than I think most people realized, but I soon realized, I wanted to make  
8 sure we were spending the campaign's dollars efficiently and wisely and in the places that  
9 made the most sense for areas of greatest need.

10 And I also wanted to make sure that we were understanding, as those dollars  
11 were spent, were they positively impacting the campaign? And additional pollsters,  
12 additional data scientists were all part of that analysis.

13 Q And what does success look like? I mean, when you're talking about data  
14 and making sure you're in the right place, what do you look for in the numbers?

15 A Well, obviously, we're looking at more than just top line Trump versus Biden  
16 numbers nationally. Obviously, those aren't really applicable in a Presidential campaign.

17 Looking at certain States, certain media markets. Looking at the before and after  
18 of the TV buy, the before and after of the TV buy.

19 Looking at certain cross sections of different demographic types. If you released  
20 a television ad that intended to speak to a suburban woman, you'd want to be digging  
21 into the numbers a certain amount of time after that ad had run to see if you had  
22 moved -- improved, rather -- your standing among the intended population.

23 And the infusion of the data scientists and the pollsters that I brought in were a  
24 key part of that.

25 I just didn't think the campaign was making data-driven decisions, you know, at

1     least to my liking, prior to me taking over as manager, hence, those additions that I had  
2     made.

3             Q     Is part of that engagement with the campaign itself -- so, in other words, you  
4     send out, or the campaign sends out a message or an ad or something like that, and then  
5     people contact the campaign, volunteer, whatever it might be, contribute -- is that part of  
6     the success that the data scientists and all of the pollsters and the folks on the campaign  
7     are looking at?

8             A     I was focused mostly on the TV side of the operation. I mean, there was an  
9     entire digital team, I mean, honestly, a whole floor of a digital team that was large in size  
10    and large in influence on the campaign.

11            I really didn't dabble too much into those affairs. I understand a TV ad. I  
12    understand how it's made. I understand how it's shipped, and I can see it on TV when it  
13    airs. I know a whole lot less about a digital ad, how it's made, how it's marketed, how  
14    it's placed.

15            The campaign that I inherited had a lot of faith and trust in its digital operation.  
16    My predecessor, Brad Parscale, was well known for that being his expertise. It certainly  
17    was not mine.

18            The campaign had a -- you know, it was three and a half years underway by the  
19    time I took over. I let that operation run and focused on the TV side.

20            Q     Did Mr. Parscale, did he keep a role in the digital after you took over, or is he  
21    out completely?

22            A     No, he did, and that was part of the reason why I, honestly, didn't do much  
23    with the digital operation. There were a couple senior-level staffers that had a large  
24    role in that operation, Brad being one of those people.

25            He very much wanted to stay involved in the campaign. I think it was important

1 to him personally. I think it was important to him optically that he stay involved. So  
2 he stayed involved in a serious way, overseeing the team that he had largely built.

3 Q Who is running that team aside from Mr. Parscale?

4 A Gary Coby.

5 Q Was he the lead?

6 A Yes.

7 Q Okay. Like if you guys are having kind of a leaders meeting within the  
8 campaign, who is the person there that's representing the digital side?

9 A Gary Coby.

10 Q All right. What about the more traditional messaging like you just  
11 mentioned, TV, radio, whatever that might look like?

12 A Yeah, there were a team of advertisers that I largely inherited. You know,  
13 there was an affection and a like for the product that they were -- that the team, the TV  
14 team, the work they had done on the 2016 campaign and the work they had done to that  
15 point in 2020.

16 I brought in a different voice or two to that operation to kind of test the  
17 campaign's -- how do we fit into the campaign? But I largely stuck with the operation  
18 that I inherited on the TV side.

19 Q And who was leading that? Who was the person?

20 A Jamestown Associates was the campaign's advertising agency and consulting  
21 firm.

22 Q What about in house? I've heard the name Tim Murtaugh. Was he on  
23 the comms side?

24 A Okay. So that's -- I'm talking about paid media TV. You're talking about  
25 like earned media, communications.

1           Yeah, Tim was -- Tim Murtaugh was our communications director on the  
2 campaign.

3           The Reporter. Can the witness please spell the names for the record?

4           Mr. Stepien. Sure. Coby, C-o-b-y. Murtaugh, M-u-r-t-a-u-g-h.

5           BY MR. [REDACTED]:

6           Q    Okay. So Murtaugh, what was Mr. Murtaugh's role?

7           A    He was the campaign's communications director.

8           Q    What does that mean, practically speaking?

9           A    Practically speaking, he often was the campaign's voice on TV and externally.  
10 Internally, he helped provide direction to messaging ideas. And he had a team of  
11 staffers working with and under him to help execute upon those messaging ideas.

12          Q    Was Mr. Murtaugh's role separate from Mr. Coby's role as the digital  
13 person?

14          A    Yes.

15          Q    Did he have overlap with the digital team?

16          A    Not to my knowledge.

17          Q    What about Jason Miller, what was his role with respect to the messaging  
18 and communications for the campaign?

19          A    Yeah, Jason had a communications background in focus and worked  
20 alongside Tim, and in some ways played similar roles in terms of being on TV and  
21 providing ideas and input on things the campaign might consider saying from a messaging  
22 front.

23                Jason didn't have the communications operation under him like Tim Murtaugh  
24 did. And, you know, that being the main difference.

25          Q    Okay.

1           A     I would say Tim was a day-to-day, 1,000-foot -- had a day-to-day, 1,000-foot  
2     role. Jason was more a 10,000-foot operator.

3           Q     More strategic thinking, big picture.     Understood.

4           A     Yes.

5           Q     Who was the primary contact with the candidate, meaning Mr. Trump,  
6     among you.     Mr. Murtaugh, Mr. Miller, anybody else?

7           Mr. Marino.     Just to clarify your question there, [REDACTED], the main contact with him  
8     with regard to something in particular?

9           Mr. [REDACTED].     Just generally on the campaign.     If the campaign needed to get  
10    something to Mr. Trump, who would that be?     If it's specific to an issue, that kind of  
11    clarification would be great, too.

12          Mr. Marino.     Right.     Okay.     Clarify.

13          Mr. Stepien.     Jason started most days communicating with President Trump to  
14    help set the stage for the hours that would follow in terms of what we would want to be  
15    saying as a campaign, what he expected the news cycle to bring.     Jason was that daily  
16    morning contact.

17          The contact I had with President Trump was largely incoming.     He would call  
18    some mornings to ask about a poll number, ask how things were going, ask about, you  
19    know, a TV advertisement.     That was the difference in communication.

20          Mr. [REDACTED].     When you say ask about, I think I understand the polling, just  
21    "where we're at" type of question.     Is that fair?

22          Mr. Stepien.     Yes, you know, what are the poll numbers today?     How do we  
23    look in Michigan, for example?     Those types of questions.

24          Mr. [REDACTED].     When you said he would call and ask about a TV ad, what would he  
25    want to know about a TV ad?

1           Mr. Marino. This in general, this question, [REDACTED]?

2           Mr. [REDACTED]. Yeah, I think you said -- and I don't want to put words in your  
3           mouth, Mr. Stepien, but you said sometimes he would call about polling or a TV ad. I'm  
4           just trying to understand what that might look like.

5           Mr. Stepien. Yeah, he would comment on his favorable or unfavorable view of  
6           an advertisement he saw. Things of that nature.

7           Mr. Marino. [REDACTED], can I ask to just take a two-minute break?

8           Mr. [REDACTED]. Yes, of course.

9           Mr. Marino. Thanks.

10          [Recess.]

11          Mr. [REDACTED]. I do want to jump ahead. We're still talking a little bit in the  
12          pre-election period.

13          If you could pull up exhibit No. 4. And this will be our first test of the  
14          document-sharing screen here. So please let us know if you have any issues seeing it.

15          Mr. Marino. Sure. Is there some identifying label on this or anything, or just  
16          exhibit 4?

17          Mr. [REDACTED]. Yeah, we have them all individually labeled.

18          BY MR. [REDACTED]:

19          Q All right. Can you see that okay, Mr. Stepien?

20          A I can.

21          Q Is that big enough for you to read, or would you like us to zoom it in a little?

22          A That's fine.

23          Q Okay. All right.

24          So this is a statement that the President made at a White House news conference  
25          September 23rd. He's talking about the election. He says, "We're going to have to see



1     what happens. You know that. I have been complaining very strongly about the  
2     ballots. And the ballots are a disaster."

3             And he goes on to say, "Get rid of the ballots and you'll have a very  
4     peaceful -- there won't be a transfer, frankly, there'll be a continuation. The ballots are  
5     out of control. You know it. And you know who knows it better than anybody else?  
6     The Democrats know it better than anybody else."

7             So you mentioned joining the campaign with about 115 days left. The issue of  
8     mail-in ballots, it sounds like, predated you. Is that right? Is that your understanding?

9             A     Very -- say it again? It was very what to me?

10            Q     The issue of mail-in ballots and kind of the integrity of mail-in ballots  
11     predated you joining the campaign. Is that your understanding as well?

12            A     Yes. Largely the mail-in voting period, to be clear, the mail-in voting period  
13     in most States didn't begin until after I assumed the role of campaign manager. But the  
14     issue had been oft discussed for a period of time before I was campaign manager.

15            Q     And do you know why the issue of the integrity of mail-in ballots was such a  
16     big issue for the campaign?

17            A     It was -- to many it was an unknown, largely due to COVID. You know,  
18     States were deviating from traditional practice in how elections were traditionally  
19     executed. Due to COVID, some States were relying more heavily on vote-by-mail voting,  
20     and that was a large departure from previous years.

21            Q     So statements like the one here in exhibit No. 4, it's been reported that you,  
22     Mr. Stepien, had met with the President trying to convince him to stop making  
23     statements like that publicly. Is that true?

24            Mr. Marino. Is it true that Mr. Stepien asked the President not to make  
25     statements of the type reflected in exhibit 4? Is that your question?

1           Mr. [REDACTED].   Correct.   That's right.

2           Mr. Marino.   You can answer that.

3           Mr. Stepien.   Sure.   I thought that -- so the Biden campaign largely eschewed  
4 any semblance of a ground game.   You know, they cited COVID as the rationale for that  
5 decision.   The Trump campaign and the Republican National Committee -- it was really  
6 the Republican National Committee -- decided to not do that.

7           So there was an advantage on the ground in Republicans' favor, in Donald Trump's  
8 favor.   And I viewed it as an advantage to -- tactically speaking, and I'm a tactical guy,  
9 the process of getting a person to mail back in a vote-by-mail ballot is cumbersome and  
10 laborious.

11           And I believed that our advantage on the ground, with all the staffers and  
12 volunteers that we had, provided the Trump campaign an advantage.   And by publicly  
13 pouring water on the integrity of vote-by-mail voting, I felt we were losing an advantage  
14 we had tactically.

15           BY MR. [REDACTED]:

16           Q    I see.   And I just note for the record and for your awareness, Mr. Stepien,  
17 that Ms. Lofgren and Mrs. Luria have rejoined us here.

18           A    Thank you.

19           I didn't have any ideological objection to vote-by-mail balloting.   I just thought it  
20 was a -- you know, campaigns have advantages and disadvantages.   I thought this could  
21 be an advantage to the Trump campaign.

22           Q    Advantage to use mail-in voting or not use mail-in voting, I'm sorry?

23           A    To utilize President Trump and the Republican Party's grassroots team to  
24 maximize the return of vote-by-mail voting.

25           Q    Okay.   That's very helpful.   Thank you.   That clarified it for me.

1           So it's also been reported that the President believed that Democrats would use  
2           mail-in ballots to steal the election from him.

3           Do you remember the President saying anything like that to you?

4           Mr. Marino. Can you give us a timeframe please, [REDACTED]?

5           Mr. [REDACTED]. This is pre-election. So I presume somewhere around September,  
6           October. But really any time, did the President say anything like that to you?

7           Mr. Marino. And just for clarity, just so the question is clear on the record, did  
8           the President say what to him?

9           Mr. [REDACTED]. Yeah. So it's been reported that the President told you and others  
10          that he, the President, had long believed Democrats would use mail-in ballots to steal the  
11          election from him.

12          Do you remember him saying anything like that to you before the election?

13          Mr. Stepien. There was concern from many in the party, largely due to the  
14          unknown. As I mentioned before this, we're largely in uncharted waters given COVID  
15          as to how the 2020 election was being conducted. So I think that uncertainty and that  
16          unknowingness regarding the uncharted waters did have a lot of concern.

17          Did he say that to me, that the Democrats were going to steal the election? I  
18          don't believe so. He did have a lot of concern about not knowing how this was going to  
19          play out, how this was going to affect his campaign. It was largely the unknown that  
20          was a concern to him.

21          Mr. [REDACTED]. Did that concern affect the messaging. In other words, did he  
22          instruct the campaign to put out certain messages about election integrity based on his  
23          concerns?

24          Mr. Marino. Just some more clarity there [REDACTED]. First of all, timeframe. And,  
25          secondly, when you say, did he instruct the campaign, are you asking if President Trump

1 instructed Mr. Stepien in that regard?

2 Mr. [REDACTED]. Anybody in the campaign, I mean, to Mr. Stepien's knowledge.

3 Do you know if the President's concerns about mail-in ballots and the changes  
4 that you had mentioned due to COVID affected the messaging that was coming out of the  
5 campaign?

6 Mr. Stepien. No. We did not -- the campaign did not spend -- expend money  
7 on advertising on that message. The campaign did not -- so I believe the answer to that  
8 to be no. I mean, of course, the candidate is obviously an appendage of the campaign.  
9 But in terms of what I controlled, the answer is no.

10 Mr. [REDACTED]. Was there a meaningful distinction in your mind between absentee  
11 ballots and mail-in ballots before the election?

12 Mr. Marino. Distinction of what type?

13 Mr. [REDACTED]. Any distinction.

14 Mr. Marino. That one would be more valid than the other? That one would be  
15 more reliable? I'm not sure I understand the distinction you're driving at.

16 BY MR. [REDACTED]:

17 Q Yeah. Was there any distinction like that? I mean, was there concern  
18 that one would be, as Mr. Marino says, more reliable, more apt for fraud, specifically  
19 between absentee ballots and mail-in ballots?

20 A Absentee ballots versus mail-in ballots?

21 Q Correct.

22 A Did I or do I view a distinction? Yes.

23 Q Yes. So what is that distinction that you view?

24 A An absentee ballot in my eyes is a ballot that a person requests because they  
25 are absent from their voting jurisdiction. They're working. They're sick. They're

1       unable to get to the polls in a particular day. They're absent, obviously. So they  
2       request a ballot to allow them to participate in that election.

3               A vote by mail -- vote by mail was the second category that you described,  
4       correct?

5               Q     That's right, yes.

6               A     Vote by mail is a ballot that comes, in my eyes, and I believe in many's eyes,  
7       after one requests a ballot without the excuse of being absent from their jurisdiction. It  
8       can be a choice to vote from their kitchen table by mail, not just because they're sick or at  
9       a workplace or on vacation, but because they choose to do so.

10              Q     I appreciate that. And so did -- when the campaign was developing  
11       messages about mail-in voting before the election, was there an intentional distinction  
12       between absentee ballots, as you just described them, and mail-in ballots?

13              Mr. Marino. That's a little unclear, when you say when they were developing  
14       messaging, I mean. Can you just ask a more specific question? I think I know generally  
15       what you're driving at, but could you ask a more specific question about that?

16              Mr. [REDACTED]. Sure.

17              Did the distinction between absentee ballots and mail-in ballots matter as far as  
18       the types of messages that the communications team or digital team created and sent  
19       out?

20              Mr. Marino. I'm sorry, are you asking, for example, if the messaging that came  
21       from the campaign was to suggest that an absentee ballot is something that happens all  
22       the time, it's not an uncommon thing for someone to request an absentee ballot if they're  
23       going to be absent for one of the reasons Mr. Stepien averred to, whereas a vote by mail  
24       is more like, I'm not absent from the jurisdiction, but I just -- I don't want to come to the  
25       poll for whatever reason, maybe it's COVID-related or whatever, and so I want to -- please

1 give me the opportunity to just mail it in?

2 Is the question whether there was a message coming out of the campaign that  
3 one of those two things was preferable to the other, one was, for example, that absentee  
4 balloting was all right, vote by mail was more suspect?

5 Am I getting the correct sense of your question?

6 Mr. [REDACTED] Yes, yes.

7 And, Mr. Stepien, if you feel like you can answer the question that Mr. Marino just  
8 posed, please go ahead.

9 Mr. Stepien. Messaging that came -- I'm not sure that -- well, I am sure that TV  
10 moneys were not spent supporting this message. I honestly can't speak to whether  
11 digital messaging was focused on this.

12 But certainly the communications team certainly spent time talking about how the  
13 most trusted, the most assured way to ensure that a person's vote would be counted  
14 would be by going to the polls on election day and doing so in person by yourself.

15 So I can speak to that.

16 Mr. [REDACTED] Okay.

17 BY MR. [REDACTED]:

18 Q Why don't we go on? That's a good segue into exhibit No. 1. And we'll  
19 pull that up on the screen for you.

20 This is an email from an individual named Stu Polk. You will see it when it comes  
21 out. But do you know who Stu Polk is?

22 A I don't.

23 Q Okay.

24 A I'm seeing his email address. I'm not sure I ever -- now I'm recollecting that  
25 he -- I can see that he worked for a polling firm.

1 Q The polling firm being McLaughlin?

2 A Yeah. So I know the name, but not the person, if that makes sense.

3 Q Do you know John McLaughlin? He's one of the recipients on this email?

4 A I do.

5 Q Who's he?

6 A He was the President's -- one of the President's pollsters.

7 Q All right. And I see your name. It's kind of garbled there in the way that  
8 the email addresses are displayed. But if you look to the far right, you'll see some of the  
9 names.

10 So we see your name. We see Mr. Miller. That's Jason Miller who we were  
11 talking about earlier, right?

12 A Yes.

13 Q Who is Tony Fabrizio?

14 A Another one of the President's pollsters. The two pollsters that were on the  
15 campaign when I assumed ownership of the campaign were Tony Fabrizio and John  
16 McLaughlin.

17 Q And when you say on the campaign, they're outside consultants to the  
18 campaign, they're not working and paid for by the campaign itself -- or, excuse, not paid  
19 by the campaign?

20 A No, they are not paid -- they are paid. They were certainly paid.

21 Q They were not employees of the campaign?

22 A Yeah, they were paid as consultants, not as employees.

23 Q Who is Travis Tunis? Do you know who that is?

24 A I don't.

25 Q And then Keith Zeig, Z-e-i-g?

1           A    I don't know.

2           Q    So this is an email with the subject, "Updated Battleground TFP PPT  
3   8-20-20."   And it looks to be a survey that -- if you go back to page 2 of this exhibit,  
4   exhibit No. 1.   It called, "Battleground Survey Analysis" by McLaughlin & Associates,  
5   August 2020.

6           If you go to page 3, it talks about the methodology.   Conducted between  
7   August 18 and 19 of 2020.   And if you go to page 4, it has "Key Takeaways."

8           I understand that's a little bit smaller.   So let us know if you need us to increase  
9   the size.   But I'll just point to a couple of key takeaways.

10          It looks like a poll that's dealing with the Postal Service as well as support for,  
11   among other things, mail-in ballots and voter fraud, voter ID laws, and the like.

12          Do you remember this survey?

13          A    Not this particular survey.

14          Q    Okay.

15          A    The campaign did many surveys.   But it looks familiar, meaning the  
16   construct and format and the like.

17          Mr. [REDACTED].   I see, Mrs. Luria, you just turned on your camera.

18          Mrs. Luria.   Yes.   I just had a question.

19          As the campaign manager, did you approve every poll?

20          Mr. Stepien.   Did I approve every poll?   It depends during what timeframe we  
21   are discussing.

22          Mrs. Luria.   Okay.   Since this was in August of 2020, was that one of your  
23   responsibilities, to approve polls?   And if not, did you delegate to someone else, and  
24   who?

25          Mr. Stepien.   Yeah, I would say that, yes, I reviewed the content of the poll



1 before it was conducted.

2 Mrs. Luria. Okay. So then you're saying you were familiar with the content of  
3 this poll before the poll was conducted, this particular one?

4 Mr. Stepien. Was I familiar with the questions that would be asked in the poll?  
5 Yes.

6 Mrs. Luria. Okay.

7 Mr. Stepien. I assume so.

8 Mrs. Luria. Thank you.

9 Mr. [REDACTED]. Thank you, Mrs. Luria.

10 So on this page, which is page 4 of exhibit No. 1, it talks about some of the key  
11 takeaways. And the third bullet point down says, "There is general support for mail-in  
12 ballots among 6 in 10 voters, but the 7 in 10 voters want fraud protections. The  
13 President is trailing big among early voters, especially mail-in voters."

14 Do you know why you conducted a poll on this issue?

15 Mr. Marino. Can we just have clarity around, when you say on this issue, can we  
16 just have clarity around what you regard this poll as being directed at, the specific issue  
17 that you regard it as being directed at?

18 Mr. [REDACTED]. Yes, this bullet point in particular. This issue of mail-in ballots and  
19 support for them.

20 Mr. Marino. So the idea being whether this poll was directed at determining  
21 whether, you know, determining generally public views with respect to mail-in voting?

22 Mr. [REDACTED]. Yes, why the campaign was polling the views on mail-in ballots that  
23 are reflected here in particular.

24 Mr. Stepien. Can I ask? The date of this is late August. Was it August '20, the  
25 poll, I believe?

1 BY MR. [REDACTED]:

2 Q It looks like the poll was conducted August 18 and 19. That's right, Mr.  
3 Stepien?

4 A And, I believe, exhibit 4 was the first exhibit we viewed, correct?

5 Q That's right, Mr. Stepien. That was a statement from the President on  
6 September the 23rd.

7 A September. Okay. So this came before that exhibit 4. So exhibit 4.  
8 Got it. Okay.

9 My belief, and at this point it is a belief and not a certainty, I think the campaign,  
10 the pollsters in particular, wanted to see what sort of impact the President's messaging  
11 was having among voters by voter type as exhibited in the third bullet point there.

12 Q Can you be a little bit more specific on that?

13 A Sure. The President spoke often about his concern about trustworthiness  
14 of vote-by-mail balloting. As with many things, pollsters wanted to determine the  
15 impact of the President's messaging. I'm not sure if that clarifies or not.

16 Q Yeah, that does help. Thank you.

17 Do you recall whether this survey about mail-in ballots and these findings affected  
18 the messaging coming out of the campaign after this and before the election? So in the  
19 period after August 20th through November 3rd.

20 A When you say the campaign, do you mean the things that the campaign was  
21 doing, spending money on, and the like or --

22 Q Yes.

23 A Okay. No.

24 Q Were these findings shared with the President, to your knowledge?

25 A My belief is yes.

1 Q Did you share them with him, that you recall?

2 A Most -- I don't recall this particular meeting, but most meetings or group  
3 meetings in which the pollsters presented the findings to the President.

4 Q And did those finding ever include the fact that's stated here in bullet  
5 number three, "The President's trailing big among all early voters, especially mail-in  
6 voters"?

7 A Can you say that again? I'm sorry.

8 Q Yeah, sure. In your meetings that just described, did that ever include a  
9 finding, like the finding here in bullet number three that says, "The President's trailing big  
10 among early voters, especially mail-in voters"?

11 Mr. Marino. So just so we're clear, I think what the witness has testified is that  
12 there were group meetings at which the pollsters would present their findings, right?

13 Mr. [REDACTED] That's my understanding, yes.

14 Mr. Marino. All right. So the question is just -- with that understanding -- the  
15 question is what, whether --

16 BY [REDACTED]:

17 Q So, to your knowledge, was the finding that's reflected here that the  
18 President is trailing big among all early voters, especially mail-in voters, was that shared  
19 with the President in a meeting like that?

20 A I don't recall this particular meeting.

21 Q Okay.

22 A However, most -- most polls were shared with the President, not all, but  
23 most. So if a poll was conducted, and most polls were shared, there is a good chance  
24 that this was shared with the President.

25 Q Okay. If we can go to exhibit No. 2, please.

1           So this is another email. The first page is, "From: Dick Morris." Do you know  
2   who that is?

3           A    I know of Dick Morris.

4           Q    All right. What do you know of Dick Morris?

5           A    I know he has a long history in politics. I believe that we traded voice mails  
6   on the campaign, but we never spoke on the campaign.

7           Q    Was he advising the campaign at all, to your knowledge?

8           A    To my knowledge, he was. I believe he was sharing his ideas for potential  
9   advertisements to consider with the campaign's advertising team.

10          Q    And who would that be, that he was primarily in contact with, to your  
11   understanding?

12          A    I don't have definitive knowledge to this. It could have been the people  
13   creating the ads. I'm not sure of that. It could have been Jason Miller who  
14   coordinated with the ad makers on the ads. But I do not know for sure.

15          Q    Now, he sent you this email. Was it common for him to send you emails  
16   directly?

17          A    No.

18          Q    What did you do with his emails when you got them, if you recall? I know  
19   that's a general question, but --

20          A    I did not consider him one of my advisers.

21          Q    Why is that?

22          A    He wasn't someone I knew. He wasn't someone I had worked with. And I  
23   just didn't have familiarity. And with 115 days left in the campaign you want to be  
24   talking to people that you know.

25          Q    Do you know if he was advising the President directly?

1           A    I do not know.

2           Q    This email dated August the 24th, which is just a few days -- or 4 days -- after  
3   the poll that we just looked at, and at the top there it says, "The solution we tested in the  
4   last poll is really the answer: All mail-in ballots can only be accepted if they are from a  
5   registered voter, signed, and include the last four digits of their Social Security number,  
6   and if the signature is verified."

7           So "solution" to me suggests there is a problem that needs to be solved. I don't  
8   know if you read that same way. But did you get the impression that there was some  
9   problem that Mr. Morris was trying to convey?

10          A    Not having, again, any direct contact with him, I can't speak to that.

11          I would say one of my frustrations is that polling information was shared with  
12   people outside the campaign headquarters. I do recall that frustration. But I can't  
13   speak to what he was trying to solve for having not ever spoken to him directly.

14          Q    Why was that a frustration of yours, Mr. Stepien?

15          A    I was -- I very much am a behind-the-scenes operator. I don't seek the  
16   limelight. I believe in a tight-knit operation. And, you know, this would speak to the  
17   opposite of that.

18          Q    If you go down, it's actually at the very bottom of the screen -- no, it's  
19   towards the middle. It says, "A position of, quote, 'count the ballots...'"

20          Do you see that?

21          A    I do.

22          Q    All right. So, "A position of 'count the ballots if...' is very popular and much  
23   more defensible than simple opposition to mail-ins."

24          Do you know what Mr. Morris is referring to there?

25          Mr. Marino. Can you go back a bit, [REDACTED] higher up in the email?

1           Mr. [REDACTED]. Of course.

2           Mr. Marino. Okay. So it says here, "Our best weapon would be for the  
3 President to advocate it at the convention in one of his appearances. The battle against  
4 mail-ins is over, and we have lost. Now we must change our advocacy to mail-ins if  
5 there are adequate checks to avoid fraud." Right?

6           So now go back to your question, just to frame that, right? Is that -- go back  
7 to -- I'm sorry. If you can roll back to where your question was, the portion of the email  
8 that you questioned Mr. Stepien about.

9           Mr. [REDACTED]. Sure. Yeah. It's sort of the middle there. It says, "A position of,  
10 quote, 'count the ballots if...' is very popular."

11          Mr. Marino. And the count, so meaning count the ballots if, you know, there are  
12 not fraud, right? You've got here, "change our advocacy to do mail-ins if there are  
13 adequate checks to avoid fraud."

14          In other words, that's not the most clearly written sentence, but I guess what that  
15 means is changing your advocacy to, "We're okay with mail-ins if there are adequate  
16 checks to avoid fraud," which seems to be married down here to this idea of, "A position  
17 of 'count the ballots if...'" would mean count the ballots if there were adequate checks to  
18 avoid fraud.

19          I guess that's -- so just to frame the question -- that's what he's asking you, that's  
20 very popular and more defensible than simply saying no mail-ins, we don't want any  
21 mail-ins?

22          Mr. [REDACTED]. I have a reading of this too, but --

23          Mr. Marino. I'm just trying to understand. I just want the record to be clear.  
24 I don't -- I don't -- that's how I read it.

25          But, I mean, if you have a different reading, ask Mr. Stepien whatever you wish

1 about it. I just want the record to be clear about what he's answering. So I'm  
2 not -- I'm trying to be helpful. Perhaps I'm being unhelpful.

3 Mr. [REDACTED]. No, no, that's quite all right, Mr. Marino. I appreciate it. And the  
4 more context, the better.

5 BY MR. [REDACTED]:

6 Q So, Mr. Stepien, though, you've heard Mr. Marino talk about this. I can  
7 obviously read this and come to my own conclusion.

8 But what's your understanding of this, if in August of 2020 Mr. Morris sends an  
9 email to you that says, "A position of, quote, 'count the ballots if...' is very popular and  
10 much more defensible than simple opposition to mail-ins"?

11 A Yeah. Look, probably not surprising to you that as campaign manager for a  
12 Presidential campaign there are a lot of outside inputs that you receive, a lot of outside  
13 advice or ideas that are offered.

14 I count this as part of that and honestly not something I paid much attention to  
15 given the confines of the 24-hour workday. So I just want to give context to how I likely  
16 viewed a message like this from outside the campaign.

17 I do think -- and I'm kind of reading this almost for the first time because I don't  
18 recall seeing this before, largely for the reasons that I just mentioned.

19 I do believe that the flag that you noted, Kevin, regarding, "The battle against  
20 mail-ins is over," is notable. And it does seem like he is trying to provide messaging  
21 context for how to navigate this issue. I really can't speak much more to this because I  
22 wasn't affected by it in 2020, and --

23 Q Fair enough. That's completely fair, Mr. Stepien. I appreciate that.

24 A I'm sorry. Yeah.

25 Q No, that's okay. I can only ask you about, you know, your own thoughts.

1 And I don't want you to speculate about Mr. Morris' either. So I completely appreciate  
2 that.

3 If we go to exhibit No. 3. This is another email. This is from somebody named  
4 Eileen McGann, but it sounds like, if you look at the subject, "From Dick Morris, Re:  
5 Strategy to Win a Disputed Election."

6 Do you know if Ms. McGann has any relationship, work or otherwise, with Mr.  
7 Morris?

8 A It's an unfamiliar name.

9 Q Okay. And to be fair, you are not copied on this email, but I want to talk to  
10 you about what the attachment is.

11 And if you go to page number 6. This seems like more, maybe solicited, maybe  
12 unsolicited, advice. And it sounds like you were getting some unsolicited advice. Is  
13 that fair? I don't want to put words in your mouth, though, Mr. Stepien.

14 A Often.

15 Q On page 6, on the bottom, this says, "Undermine the case for mail-in voting."  
16 And then if you go to the top of the page, on page number 7, it says, "Emphasize doubts  
17 about mail-in voting."

18 So were these two messages, "Undermine the case for mail-in voting" and  
19 "Emphasize doubts about mail-in voting," being discussed in the pre-election period of  
20 the campaign? I guess, specifically, after August, after that survey.

21 Mr. Marino. I'm sorry, [REDACTED], you are presenting this perhaps unsolicited advice or  
22 advice of uncertain provenance. But what is the question of Mr. Stepien with respect to  
23 this? Whether, in fact, this was implemented or considered? I'm not -- I'm just  
24 not -- I'm not clear on what you're asking.

25 Mr. [REDACTED]. Whether these thoughts, these themes, "Undermine the case for



1 mail-in voting" and "Emphasize doubts about mail-in voting," were being discussed after  
2 that survey in August and before the election.

3 Mr. Stepien. I was in the camp of being very concerned that that there  
4 was -- that we pushing all voters to vote on election day. And I expressed those  
5 thoughts. So for the campaign I was running, you know, I was not -- this was not  
6 affecting my personal management of the campaign, for sure.

1

2 [11:23 a.m.]

3 Mr. Marino. Can I -- can I then ask Mr. Stepien to expand on that? Like, why  
4 was he in the camp being very concerned about the -- this -- pushing this idea of all voters  
5 should be voting on election day?

6 Mr. [REDACTED]. Of course, yes.

7 Mr. Stepien. You know, leaving everything to one day leaves a lot to chance.  
8 What if it's -- what if it's raining? You know, in many parts of the country it could be  
9 snowing on one day. You know, to me, that just leaves putting all eggs in the one basket  
10 of voting only on election day just left a good deal to chance.

11 Secondly, again, I talk a lot about tactics. My concern was that if Democrats  
12 were pushing their people to vote early and by mail and we were pushing our people to  
13 vote, you know, only on election day, that would allow Democrats to get their people to  
14 vote early and then allow them to start, you know, communicating with, you know, some  
15 Republicans who hadn't yet voted and to add people to their tallies.

16 So, to me, this wasn't about -- I have no ideology on this. It's simply, you know,  
17 tactics related to this.

18 BY MR. [REDACTED]:

19 Q Did you share those tactical concerns with the President?

20 A Yes.

21 Q What was his response when you shared those tactical concerns?

22 A He disagreed.

23 Q Did he say why?

24 A You see it in his statements. He thought that, you know, voting by  
25 mail -- the surest way to vote -- the surest way to, you know, get your ballot counted is to

1 make sure you, you know, show up in person to deliver it.

2 Mr. [REDACTED]. At this point, I'll stop and see if anybody, any of the members who  
3 are participating have any questions about what we've covered.

4 All right. Anybody in the room?

5 Mr. [REDACTED]. A few questions, Mr. Stepien. Earlier you mentioned that  
6 polling results were often shared with the President in group meeting settings. As a  
7 general matter, to your knowledge, who was typically present in those meetings?

8 Mr. Stepien. Depended if the poll numbers were good or bad. It was a smaller  
9 room if the numbers weren't good. The pollsters, obviously, whether they -- Tony  
10 Fabrizio and/or John McLaughlin, myself, often Jason Miller, sometimes Mark Meadows,  
11 sometimes Jared Kushner. Those were the most, you know, frequent attendees. And  
12 some people, you know, attended. Some people didn't, from time to time, but those  
13 were the most regular members.

14 Mr. [REDACTED]. Thank you.

15 Mr. Stepien. Sure.

16 Mr. [REDACTED]. I do have another question, [REDACTED].

17 BY MR. [REDACTED]:

18 Q Again, Mr. Stepien, this is [REDACTED]. Thanks again for being here. I just  
19 wanted to follow up on your answer about the President talking about this despite your  
20 advice. Was it a consistent area of discussion between you and him that you felt like  
21 him talking about the integrity of mail-in balloting or discouraging it was potentially a  
22 negative consequence or was going to make it harder for him to win?

23 A Frequent? No.

24 Q Did -- did -- were those conversations, were there more than one or was it  
25 just sort of one episodic conversation after this poll, or was it a lingering issue that

1 continued all the way up through the election?

2 A There was one meeting that was had in particular. I invited Kevin McCarthy  
3 to join the meeting, he being of like mind on the issue with me --

4 Q Uh-huh.

5 A -- in which we made our case for why we believed mail-in balloting -- mail-in  
6 voting not to be a bad thing for his campaign. But, you know, the President's mind was  
7 made up. And he understands, you know, how many times to, you know, go to the well  
8 on a particular topic.

9 Q Yeah, I understand. Tell me a little bit more about the argument that you  
10 and Mr. McCarthy made to the President in that meeting as to why it wasn't a bad thing  
11 that mail-in voting was available.

12 A Largely two pillars to that argument, both of which I've previously  
13 mentioned. One, you know, leaving a good deal to chance, pushing or urging your  
14 voters to vote only on election day leaves a lot to chance. That's A. And, B, also  
15 previously mentioned, the fact that the Trump campaign, Republican National  
16 Committee, the Republican Party had an advantage of grassroots workers and volunteers  
17 on the ground that would allow, you know, an advantage to enhance return rates of  
18 ballots that were mailed. Those were the two --

19 Q Yeah.

20 A -- pillars of the argument.

21 Q I see. And what, if anything, do you recall Representative McCarthy saying  
22 during that meeting?

23 A We were -- we were echoing the same argument. I mean, his -- his words  
24 echoed mine and vice versa on those two topics.

25 Q Yeah. I understand. All right. And who was on the other side, if anyone,

1 in the meeting that you're describing, arguing against your perspective that mail-in voting  
2 actually could be of net gain for the President and other Republicans?

3 A President Trump.

4 Q Was there anyone else in the camp, in the meeting supporting President  
5 Trump's view that mail-in voting was uncertain or was something to be discouraged?

6 A I do not recall so.

7 Q Did he, Mr. Stepien, at any point tell you who he had been speaking to,  
8 he -- the President say, well, such and such disagrees with you or such and such thinks  
9 mail-in voting is a bad thing? Did he cite anyone else's view during this conversation?

10 A No.

11 Q Do you know -- did he cite Dick Morris or the poll or anything along those  
12 lines during the conversation?

13 A He did not.

14 Q Okay. All right. Fair to say, Mr. Stepien, that you thought that that -- the  
15 President's ongoing statements about the integrity of mail-in voting were a net bad thing  
16 for the campaign or inconsistent with what you thought would maximize people voting  
17 for the President?

18 A I believed that, regardless of my agreement or disagreement on those  
19 grounds, that the campaign was still able to be won.

20 Q Okay. I see. And then last question on this. Do you know whether or  
21 not messaging about the integrity of mail-in voting informed the digital fundraising  
22 operation, the texts or emails that were going out to raise money?

23 A I don't recall specifically.

24 Q Do you remember any discussions about that, about use of that talking point  
25 or that issue with respect to fundraising?

1           A    I don't. As I had mentioned, it's -- that operation largely was  
2 self-operational and had a lot of -- a lot of, you know, preexisting freedom to do what  
3 they did.

4           Q    Okay. I think we'll come back to that. So I'll stop here. Thank you.

5           A    Sure.

6           Mr. [REDACTED] All right. Did you have --

7           Mr. [REDACTED]. Yeah. I just want to make sure I understand the substance of  
8 President Trump's disagreement with the arguments that you and Representative  
9 McCarthy made. Did he disagree with the arguments that emphasizing mail-in balloting  
10 would be a positive for the campaign, or was the substance of his disagreement that  
11 mail-in balloting was susceptible to fraud, or was it something else?

12          Mr. Marino. There was a lot in that question. Can you just break that down,  
13 make that a little bit more specific? I mean, are you asking beyond what Mr. Stepien  
14 has already testified was President Trump's view?

15          Mr. [REDACTED]. Well, earlier Mr. Stepien testified that President Trump disagreed  
16 with the arguments that he made.

17          Mr. Marino. Right.

18          Mr. [REDACTED]. I'm just interested in understanding better what exactly he  
19 disagreed with in that meeting.

20          Mr. Marino. You can answer that.

21          Mr. Stepien. I thought there was -- you know, recall -- and this still may be the  
22 case -- you know, delays with the Postal Service were a concern, you know, in and around  
23 2020. You know, there are oft, you know, cited, you know, examples of, you know,  
24 batches of ballots, you know, being found in certain places. You know, those were  
25 all -- those were all things that were -- that were, if I recall, you know, mentioned as

1 reasons for, you know, some of the lack of certainty, you know, that, you know, you have  
2 when you're not going to the polls to vote yourself.

3 Mr. [REDACTED]. And he mentions those issues to you during this meeting, if you  
4 recall?

5 Mr. Stepien. I don't recall that.

6 Mr. [REDACTED]. And do you recall around what time this meeting took place?

7 Mr. Stepien. I believe it took place before the polling presentation. Actually,  
8 let me take that back. I don't know. I don't know.

9 Mr. [REDACTED]. Okay. That's all I have. Thank you.

10 BY MR. [REDACTED]:

11 Q I want to shift gears a little bit just to understand a little bit about the legal  
12 team before the election, so not postelection. Rudy Giuliani, did he do any work with  
13 the campaign, that you're aware of, before the election?

14 A Paid work? Unpaid work?

15 Q Either. Did he have any role at all, that you're aware of?

16 A No.

17 Q What about Jenna Ellis, did she have any role at all, that you're aware of,  
18 before the election?

19 A No.

20 Q What about Sidney Powell?

21 A No.

22 Q Same question. John Eastman?

23 A No.

24 Q Okay. How about, do you know a person named Kenneth Chesebro?

25 A I do not.

1 Q All right.

2 A And no to the answer to the question.

3 Q Okay. And all those people that I just identified -- Rudy Giuliani, Jenna Ellis,  
4 Sidney Powell, John Eastman -- to the best of your knowledge, they began working with  
5 the campaign in some capacity after the election? Is that fair?

6 A Yes.

7 Q And --

8 A One point of clarification. I don't know if they were paid for their work or  
9 not. But they began appearing, for lack of a better word, after election day.

10 Q Okay. That was going to be one of my questions you anticipated. I  
11 appreciate that.

12 So do you know then if they had any kind of formal arrangement, like a written  
13 employment or retention agreement with the campaign, any of those people we've been  
14 talking about?

15 A I have only read about Giuliani legal fees, but that was only because I read so  
16 publicly. I never saw contracts, approved any contracts for any of those people.

17 Q And if they were to be hired by the campaign as employees, is that  
18 something you would have been familiar with as the manager?

19 Mr. Marino. Can we talk about timeframe, [REDACTED]?

20 Mr. [REDACTED]. Yeah, sure.

21 Mr. Marino. Is the question: If there were folks who were hired to assist in the  
22 campaign before the election occurred, is that something Mr. Stepien would have been  
23 privy to? Is that the question?

24 Mr. [REDACTED]. Correct. That's right.

25 Mr. Marino. You can answer that.



1           Mr. Stepien.   Hired before the election?   If a person was hired before the  
2           election, would I have known about that and approved that?   Yes.   Not with every hire.  
3           Obviously, it's a -- campaign enterprise is significantly large, so, you know, certainly not  
4           every hire.   But, for the most part, yes, I would have approved hires preelection day.  
5           Postelection day, no, I did not -- I did not approve of or sanction those hires.

6           Mr. [REDACTED].   Okay.   So I do want to talk about that, and we're going to jump to  
7           when you left the day to day of the campaign postelection.   But is there a date in your  
8           mind when you stopped working day to day for the campaign after the election?

9           Mr. Stepien.   November 7th I believe was the day -- the Saturday after election  
10          day.   That was the day the AP called the race.   That was -- I'll say that was a line of  
11          demarcation for me on the campaign.

12          Mr. [REDACTED].   All right.   And we're going to get to the reasons why.   But in the  
13          period, that short period between November 3rd election day, November 7th you just  
14          talked about, would you have approved hiring or retention of the attorneys that we just  
15          talked about, so Rudy Giuliani, Jenna Ellis, Sidney Powell, or John Eastman?

16          Mr. Marino.   So, just to clarify, [REDACTED] we're talking now the election day was  
17          Tuesday.   Right?   So Wednesday, Thursday, or Friday, in that 3-day period, the  
18          question I have just of clarification is:   When you say "would you have approved," are  
19          you asking if Mr. Stepien approved any of those people in the period that -- that 3-day  
20          period between Tuesday, election day, and Saturday, the day the AP called the race?

21          Mr. [REDACTED].   The 3rd and the 7th, correct, did you approve --

22          Mr. Stepien.   So it's an if?

23          Mr. Marino.   Yeah -- no, I think the first question is, did you do it?   Right?

24          Mr. [REDACTED].   That's correct.   Did you approve hiring or retaining any of those  
25          people?   I'll just list them out here for clarity:   Rudy Giuliani, Jenna Ellis, Sidney Powell,

1 John Eastman, or Kenneth Chesebro.

2 Mr. Stepien. I did not approve.

3 Mr. [REDACTED]. Okay. And if they had been hired or retained in that period, the  
4 3rd through the 7th, is that something you would have had to approve?

5 Mr. Marino. When you say had to, [REDACTED], do you mean was it -- would it have  
6 been Mr. Stepien's responsibility or duty as opposed to anyone else's? In other words,  
7 I'm just trying to get at your question. Is the idea, if these folks ended up working there,  
8 being engaged in that window and Mr. Stepien didn't know about it, then someone else  
9 did it beyond their authority? I'm just trying to -- trying to get my arms around what  
10 you're asking.

11 BY MR. [REDACTED]:

12 Q Yeah. It's just, in your role as campaign manager still for that period of 4  
13 days, if the campaign was going to hire somebody like that or an attorney to represent  
14 the campaign like that, is that something that you would have had to have approved?

15 A I would assume I would have had approval on that. I say assume because,  
16 again, I inherited an operation that, you know -- you know, I mentioned the structure and  
17 the internal processes were not -- were not, you know, 100 percent sound. So I would  
18 like to believe that I would have had approval on that. And I, you know, I certainly did  
19 not approve.

20 And I'd also just note that there are also, you know, altered entities involved in  
21 President Trump's orbit that I can't speak for. There was, for example, Republican  
22 National Committee that the Trump campaign was closely aligned with. I can't speak if  
23 they approved. I can't speak if a super-PAC or outside group approved or retained their  
24 services. But for the operation I was running, I did not approve of their retention.

25 Q All right. So I want to move to election day, November 3rd, 2020. I

1 understand there's a meeting where Mr. Trump came to campaign headquarters around  
2 lunchtime that day. Do you remember that?

3 A I do.

4 Q What happened in that?

5 A We decided it would be a good thing for him to come to headquarters. It  
6 was quite a bit of young campaign staffers that were on hand. We thought it would be a  
7 good idea to thank the campaign staff for all of their work on the campaign. And I  
8 believe we did a short, you know, briefing in advance of that -- of that speech. I believe  
9 that was his public event of the day. So I think news -- news cameras were there to  
10 cover it.

11 Q You may have done a briefing. Do you mean a smaller group where the  
12 President discussed, met and discussed?

13 A Yes.

14 Q Who was in that?

15 Mr. Marino. [REDACTED], can I just interrupt one second? Do you have the date of  
16 that again?

17 Mr. [REDACTED]. November the 3rd. This is election day at campaign headquarters.

18 Mr. Marino. Election day itself?

19 Mr. [REDACTED]. That's right.

20 Mr. Marino. All right. Thank you. Sorry.

21 Mr. Stepien. In that briefing were -- was -- were Bill Stepien, Justin Clark, Nick  
22 Trainer, Mark Meadows, and Jared Kushner.

23 Mr. [REDACTED]. I believe we've talked about most of those. But who's Nick  
24 Trainer?

25 Mr. Stepien. Nick Trainer was the campaign's director of battleground strategy.

1           Mr. [REDACTED]. And for a noncampaign person myself, can you just give me --

2           Mr. Marino. Oh, come on. Come on [REDACTED]. Come on.

3           Mr. [REDACTED]. -- 50,000 foot view on that?

4           Mr. Stepien. Nick in that role coordinated campaign, strategized over the best  
5 places and events for the President's calendar, where he'd go, what he'd do, and also  
6 took on that role for the President's family and other top surrogates that the campaign  
7 moved around the country.

8           BY MR. [REDACTED]:

9           Q     And what'd you discuss in that smaller briefing?

10          A     Extremely -- I don't recall the details, but it was a -- just it was an extremely  
11 short, likely -- I don't think it was more than 10 minutes, you know, here's what we expect  
12 to happen today, here's what we're going to look for today, you know, here's -- here's  
13 when the polls close today, things of that sort, very 30,000 foot, you know, kind of  
14 election day primer for what's being done.

15          Q     And as far as what you expected that day, it's been reported that it's -- that  
16 conversation included something to the effect of you or somebody else explaining that  
17 there's going to be a huge number of mail-in ballots that will still need to be counted after  
18 election day. Is that a fair assessment of what happened during that meeting?

19          A     Yes.

20          Q     Do you remember what you said on that specifically?

21          A     Yes. I recounted back to 2016 when I had a very similar conversation with  
22 him on election day, and I told him that, you know, the first numbers we're going get in,  
23 in 2016 -- this is back in 2016 -- I told him that the first numbers that we were going to get  
24 in that would be reported, you know, would be southeast Florida. And those numbers,  
25 you know, traditionally are not good for Republicans. Numbers in the Panhandle, which

1 are better for Republicans, would come in an hour later because it's a different time zone.

2 I recounted back to that conversation with him in which I said, just like I said in  
3 2016 was going to be a long night, I told him in 2020 that, you know, it was going to be a  
4 process again as, you know, the early returns are going to be, you know, positive. Then  
5 we're going to, you know, be watching the returns of ballots as, you know, they rolled in  
6 thereafter.

7 Q Is it fair to say you were trying to present a -- what you thought would be a  
8 realistic picture of what might happen over the course of that night, being election night?

9 A That night and the days that followed, yeah. I -- I always -- I always, you  
10 know, I always told the President the truth. And, you know, I, you know, I think he  
11 expected that from me. And I told him it was going to be a process. It was going to be,  
12 you know -- you know, we're going to have to wait and see how this turned out. So I,  
13 just like I did in 2016, I did the same thing in 2020.

14 Q What was his reaction during that small group meeting at campaign  
15 headquarters to that type of information?

16 A No -- no notable reaction. I think he just consumed the information. And,  
17 you know, he was a candidate on election day. So, you know, I'm sure he had a lot going  
18 through his head.

19 Q Sure. Makes sense.

20 What did you do later that day after the visit to headquarters and Mr. Trump gave  
21 the speech to campaign staff?

22 A You know, made sure -- I made sure that -- you know, again, very much an  
23 inside kind of guy. You know, I think other people in my role, you know, would have  
24 been doing, you know, TV hit after TV hit. You know, that's kind of not my -- not my  
25 thing. So I made sure that operationally the headquarters was doing what an election

1 day headquarters should be doing. Made some calls to, you know, people around the  
2 country that I knew and trusted, and -- I'm assuming I did this, because this is what I do  
3 on every election day. You know, asked the annoying questions of, you know, what are  
4 you seeing, what are you thinking. And eventually I made my way over to the White  
5 House.

6 Q Okay. What time do you think, roughly, you made your way over to the  
7 White House?

8 A I recall it being later than I wanted. I'm going to say 5 o'clock.

9 Q Where did you go when you first got there?

10 A And forgive me, I'm bad with -- I was a bad tour guide at the White House.  
11 So the rooms I don't really know all that well. I must have gone straight to -- I think we  
12 were -- I think we were stationed in the Map Room, if that makes sense. That's where  
13 the war room, if you will, that's where we were stationed, so the Map Room.

14 Q And what were you doing there? Watching returns, I imagine?

15 A So we had, in a horseshoe fashion, we had tables set up just like the one  
16 behind you with, you know, people assigned with a slew of staffers who were assigned to,  
17 you know, be responsible for either a State or a couple of States. And they would be  
18 charged with receiving incoming information about turnout and any information we can  
19 get, you know, about what was happening in a particular State.

20 Q Does anything stand out for that period? The next event I'm going talk to  
21 you about is when Arizona was called for now President Biden. But before that  
22 happened, is there anything that sticks out in your mind as being significant?

23 A Nick Trainer [REDACTED]

24 [REDACTED] But that was a pretty significant note because, you know, in his role as, you  
25 know, battleground strategist, he was the one who had a very firm handle on the ins and

1       outs of what was happening in the States.   So that was -- that was certainly notable to  
2       me.

3               Q     What was the mood in --

4               Mr. Marino.   Hey, [REDACTED] can we -- I'm sorry.   Can we take just a 5-minutes  
5       break?

6               Mr. [REDACTED].   Of course, yeah.   You want to resume at 11:56-ish?

7               Mr. Marino.   Yeah.   Yeah, 5 minutes.   That's fine.

8               Mr. [REDACTED].   Sounds good.   Then we'll go off the record.

9               [Recess.]

10              Mr. [REDACTED].   All right.   Then let's go back on the record.   It's 11:56, and we're  
11       resuming our interview with Mr. Stepien.

12              BY MR. [REDACTED]:

13              Q     So I believe before we broke -- and I should add just for your note,  
14       Mr. Stepien, that Mr. Aguilar joined and I neglected to mention that.   It was sometime  
15       around 11:30, I think.

16              A     Thank you.

17              Q     So before we broke, I was trying to get an understanding or was going to ask  
18       you about what the mood was.   Up and until the point where Arizona was called, which  
19       is around 11 p.m. that night, what's just the mood in the Map Room, in the White House?  
20       What's going on?

21              A     I think kind of depended on where you were.   Right?   There was -- there  
22       was some reception up on the second floor in which, you know, folks were, you  
23       know -- you know, friends of the President or, you know, VIPs.   I mean, I'm not -- I'm not  
24       even sure who was up there.   But there was, you know, certainly a lot of optimism  
25       there.

1           You know, down in the Map Room where I was, where our team was, there was,  
2   you know, nervous optimism.   You know, I just -- I and I think those who were paying  
3   very close attention to the numbers, we knew this was going to be very, very close.   So  
4   our -- the nervous optimism, I think, reflected that.

5           Q    And then, of course, Arizona's called.   Do you remember that?

6           A    I do.

7           Q    What do you remember happening where you were when Arizona was  
8   called?

9           A    I -- there was surprise at the call.

10          Q    Who was surprised?

11          A    Who's -- most everyone in the room.

12          Q    You being one of them?

13          A    Yes.

14          Q    All right.   And who else was in the room at that time with you, if you recall?

15          A    You know, members of the campaign's political team, names that you would  
16   recognize.   Mark Meadows was keenly focused on North Carolina.   Members of the  
17   President's family were in and out, Eric Trump in particular.   And then, you know, I spent  
18   most of my time stationed, you know, by -- by the campaign's, you know, numbers team,  
19   the campaign's data team.   That's -- I cared, you know, I cared more about what the  
20   numbers were saying than what, you know, the TV coverage was.   So I was largely  
21   stationed by the campaign's data team.

22          Q    Do you know if anybody from where you were reported to Mr. Trump that  
23   Arizona had been called?

24          A    No, I do not know.

25          Q    Do you know if anybody reported it to him at all?



1           A    I do not know.   However, I mean, it was, you know, on TV.   So, you know,  
2   there's a good chance he saw it himself.

3           Q    Fair enough.   So it's been reported that Mr. Trump demanded that Jared  
4   Kushner and Hope Hicks call FOX News and ask them to retract their call.   Do you know  
5   anything about that?

6           A    Yes, I do.

7           Q    What do you know about that?

8           A    Jared huddled with me and Jason Miller and we talked about the FOX News  
9   call.   And, you know, it was a -- we -- we talked about, you know, the fact that we  
10   believed the call to be early and about what -- what -- you know, how to handle that  
11   news.

12          Q    Was that -- was your opinion that it had been called early, is that based on  
13   just the numbers, the returns that are still outstanding versus those that have come in, or  
14   was there some other factor, like fraud or fraudulent ballots or impropriety?

15          A    No.   No, I was -- I was -- I was basing my definition of early solely based on,  
16   you know, when races on the West Coast are traditionally called in a Presidential  
17   campaign.   Solely based on, you know, time of night as opposed to anything you ran  
18   through right there.

19          Q    And when you huddled to talk about this, why did you huddle to talk about  
20   it?   What prompted it?

21          A    What prompted the conversation?

22          Q    Correct.   Like, had Mr. Trump called one of you to say you need to retract  
23   this?

24          A    He did not call me.   I can't speak to anyone else.   I mean, we -- we  
25   huddled because it was a -- an important State.   And, again, based on my definition of

1 early, early call, just early in the evening, it was an early call and important enough for us  
2 to, you know, exit the room and three of us talk about that.

3 Q Did anybody make the call to FOX News?

4 A I believe -- I believe Jared called someone at FOX News. I don't know any  
5 substance of that conversation, but I do believe he contacted somebody, I can't say who,  
6 at FOX News.

7 Q And FOX News never changed their call, though, for Arizona. Is that right?

8 A That is correct.

9 Q Did you ever talk to the President about calling FOX News or talking to FOX  
10 News about having them retract their statement?

11 A No.

12 Q Their call. Excuse me.

13 A No.

14 Q Did anyone, that you're aware of, have that conversation with the  
15 President? And I guess I'm asking you for what you learned from other people.

16 Mr. Marino. Well, I'm sorry, [REDACTED] Can we just get a timeframe?

17 Mr. [REDACTED]. Yeah.

18 Mr. Marino. Learned -- learned that night? Learned --

19 Mr. [REDACTED]. That night. That's right, Mr. Marino, that night.

20 Mr. Marino. So did -- did Mr. Stepien learn that night that others had spoken  
21 with the President about having a call to FOX News to ask them to retract the call?

22 Mr. [REDACTED]. That's exactly right, yes. Thank you.

23 Mr. Stepien. I -- I -- I have no knowledge that there was a direct order from  
24 anyone to call FOX News.

25 BY [REDACTED]:

1           Q    Do you know what the President's reaction was when it was called for  
2   Arizona that night?

3           A    I do not. I was -- he was -- he was in the residence for most of the evening,  
4   and I was, you know, three floors beneath him in the Map Room. So I could not say how  
5   he reacted to that.

6           Q    Do you remember Rudy Giuliani being at the White House on election night  
7   and into the early hours the next morning?

8           A    I do.

9           Q    What do you remember about when he came?

10          A    He -- he was -- there were -- I had heard that he was upstairs, you know, in  
11   that aforementioned reception area, and he was looking to talk to the President. And it  
12   was suggested instead that he come talk to several of us down off the Map Room.

13          Q    And, roughly, what time was this, do you remember?

14          A    I don't. I'm sorry. I don't recall.

15          Q    That's okay. And I'll just give you a point in time.

16          A    Sure.

17          Q    Do you remember if it was before Arizona was called or after?

18          A    Sorry. I can't recall that.

19          Q    Fair enough. You said that mister -- you had heard that Mr. Giuliani  
20   wanted to talk to the President and then he was directed your way. Did you end up  
21   talking to Mr. Giuliani when he was directed --

22          A    Yes.

23          Q    -- your --

24          A    I did.

25          Q    What was that conversation?

1           A    A lot of conversations were directed my way.

2           Mr. Marino.   Including this one.

3           BY MR. [REDACTED]

4           Q    Fair enough.

5           A    A few of us -- myself, Jason Miller, Justin Clark, and Mark  
6   Meadows -- gathered in a room off the Map Room to listen to whatever Rudy presumably  
7   wanted to say to the President.

8           Q    And what did he say?

9           A    He -- he had belief that we were winning certain States and/or had won  
10   certain States and had confidence, in his mind, to those facts.

11          Q    Do you remember which States he mentioned?

12          A    Michigan.

13          Q    Anything else?

14          A    No.   Michigan sticks out.   There may have been -- Michigan was the one  
15   that I recall.

16          Q    And why was he so confident in thinking that the President had won  
17   Michigan?

18          Mr. Marino.   I guess you're asking what he conveyed that explained that  
19   confidence?

20          Mr. [REDACTED].   That's right.

21          Mr. Stepien.   We asked him that very question.   He -- he had -- he was carrying  
22   around a tablet.   And, you know, we were asking him, you know, why do you think, you  
23   know, we've won Michigan, because we have a pretty sophisticated operation set up  
24   right next door where we're tracking, you know, results, you know, very, very closely.

25               And he didn't have -- and we knew -- we had more information than probably

1 anyone did in the country at that time about what was going on in Michigan and every  
2 State for that matter. And, you know, we relayed that to Rudy. And we asked him,  
3 you know, why he thought we were winning or had won. And it was more -- it was  
4 more based on belief and instinct than numbers or data.

5 BY MR. [REDACTED];

6 Q Did he say what his belief was? I mean, was it fraud related or was it just  
7 more general at that point that we won, end of story?

8 A More I think we won Michigan and we should say we won Michigan.

9 Q Did he say that about just Michigan in particular, about the election as a  
10 whole?

11 A We were -- I'm not sure we got beyond Michigan.

12 Q What was your response?

13 A Show us. Show us the numbers. Show us the data. Show us the  
14 pathway. Tell us -- tell us -- tell us what you're seeing that we don't see, because  
15 whatever -- the information we have, the data we have doesn't allow us to proclaim  
16 victory in Michigan.

17 Q Did he show you any numbers or data, evidence at all, at that point?

18 A He showed us his tablet, and it was -- it was The New York Times. It was  
19 just their -- just their election night reporting map of the State, you know, that showed,  
20 you know, returns by county.

21 Q Did that at all impact your understanding based on the numbers and the  
22 data that you were seeing of what was happening in Michigan at that time?

23 A That did not change my opinion.

24 Q And what was your opinion at that point in that conversation with  
25 Mr. Giuliani about what was happening in Michigan?

1           A     It was far too early to be making any calls like that.    Ballots -- ballots were  
2     still being counted.    Ballots were still going to be counted for days, and it was far too  
3     early to be making any proclamation like that.

4           Q     And when you say too early to be making any proclamation, are you saying  
5     too early to say we've won, because the evidence indicated Mr. Trump lost, or just  
6     couldn't tell, you didn't know either way at that point?

7           A     The latter.

8           Q     Didn't know either way?

9           A     Too many votes -- too many votes had yet to be counted and the conclusion,  
10    in my estimation, based on the data, could not be arrived at.

11          Q     Did Mr. Giuliani in that conversation say anything about the election being  
12    stolen or that the -- the Democrats might try to steal the election if you don't come out  
13    and say you won?

14          A     I don't recall the they're going to steal it portion of that.    He certainly,  
15    though, was issuing a recommendation to, you know -- you know, from a PR perspective  
16    to -- to talk about winning and talk about having won.

17          Q     Did he say why from the PR perspective it was important to make that  
18    statement at that time?

19          A     It was a very confusing conversation.    You know, important to note that as,  
20    you know, Mark Meadows and Jason Miller and Justin Clark and myself, you know, four of  
21    the more senior people, you know, in the White House or on the campaign, as we're  
22    talking with Mayor Giuliani, you know, returns are coming in by the minute.    And we're  
23    spending 15, 20 minutes during a critical part of the evening trying to get answers out of  
24    Mayor Giuliani that weren't coming.

25                So there was -- there was mounting frustration that, hey, we have -- we've got to

1 get back to the task at hand here. So I was -- I was mainly focused on extricating myself  
2 from the conversation.

3 Q You said the other people involved in that conversation. Did Mr. Clark or  
4 Mr. Meadows or Mr. Miller disagree with you that you can't be making this claim about  
5 Michigan at that time?

6 A Everyone agreed with me.

7 Q Except Mayor Giuliani?

8 A Correct.

9 Q Was Mayor Giuliani -- there's reports that he was drinking that night. At  
10 that point, could you tell whether Mr. Giuliani was sober or not?

11 A I can't speak to that. I never saw him -- he didn't -- he didn't come into the  
12 room with a glass of alcohol and I couldn't make an observation to that point.

13 Q And you said originally at the beginning of this conversation that Mr. Giuliani  
14 was directed your way. Were you -- did you see yourself as like a gatekeeper, like, we  
15 can't let Mr. Giuliani say this to the President?

16 A Yeah, I've been -- I've been, you know, involved in campaigns for 25 years,  
17 and I'm not a -- I'm not a gatekeeper type. It's not my nature to restrict access and  
18 particularly in, you know, around President Trump, who I think, you know, likes access,  
19 likes interactions with folks. So I'm not a gatekeeper by nature, and I'm not a -- I wasn't  
20 a gatekeeper, you know, for President Trump.

21 But on any election night I think, you know, who the President is around is very  
22 important and/or any candidate is around is very important, and he had made a decision  
23 to be upstairs in the residence with the First Lady. So I was, you know, trying to protect  
24 that.

25 Q What about Mr. Meadows or Mr. Miller or Mr. Clark, did any of them tell

1 Mr. Giuliani that you can't -- we can't say that we won Michigan at this point and you  
2 can't tell that to the President? I know those are two separate questions, and you can  
3 take them each separately if you'd like.

4 Mr. Marino. [REDACTED], one at a time. What's the first one?

5 BY MR. [REDACTED]

6 Q Yeah, sure. Did Mr. Meadows or Mr. Clark or Mr. Miller tell Mr. Giuliani,  
7 we cannot say we won Michigan?

8 A Yes.

9 Q Okay. And did any of those three try to tell him that he cannot tell or make  
10 this recommendation to the President?

11 A I don't recall if that was -- if we -- if that was relayed. But we  
12 were -- Meadows, Miller, Clark, and Stepien were united in saying, you know, show us,  
13 show us the numbers. Show us the data. Show us -- show us how you're arriving at  
14 that conclusion. And he was unable to.

15 Q Another person who's come up is Mr. Boris Epshteyn. Do you know him?

16 A I do.

17 Q Was he there that night on election night at the White House?

18 A I believe he was.

19 Q Do you remember him saying anything like go out there and just say we  
20 won, whether specific to a State or the election as a whole?

21 A I don't. One of my -- you know, the Map Room where the -- where the  
22 number analysis was occurring was, you know, kind of the cool place to be on election  
23 night. So I was very focused on trying to -- I say I wasn't a gatekeeper. I very much  
24 wanted to restrict access to that room so the actual work could occur.

25 So, yeah, I think he may have popped his head in the Map Room on election night.



1 But, you know, again, we were trying to keep that room, you know, as unpopulated as  
2 possible. So I -- I didn't -- I may have seen him from across the room but there was no  
3 interaction.

4 Q Did the President ever come down to the Map Room while you were there?

5 A No. Did he? Maybe at the very, very, very end of the night. I'm trying  
6 to recall a -- he may have come down at the very end of the night. But he was -- he  
7 was -- he was -- just trying to recall one picture that I saw of who was in the room. I'm  
8 trying to think if he was there. I don't think he was there. If he was, it was briefly and  
9 at the very end of the evening. But I -- I don't think he was there.

10 Q Let me ask you this. It's been reported -- and that's why I'm asking to  
11 confirm. I know not everything that's reported is true. But it's been reported that  
12 Mr. Trump came down to the Map Room and yelled at Justin Clark something to the  
13 effect of: Why are they still counting votes? The election's closed. Are they counting  
14 ballots that came in afterward? What the hell is going on? They're stealing this from  
15 us. We have this thing won. I won in a landslide and they're taking it back.

16 Does that trigger any memories of Mr. Trump coming down to the Map Room that  
17 night?

18 A Now, I mean, a group of us went upstairs to the residence at some point in  
19 the evening. And, I mean, it was not a small group of people up there at that point in  
20 time. I don't recall that conversation happening in the Map Room. If it occurred, it  
21 likely occurred in the residence. But, again, I'm really bad with rooms in that building.

22 Q Okay. So couple of things. Do you remember any conversation like that  
23 occurring in the residence?

24 A Can you repeat again what was -- what was reported?

25 Q Yep. According to this report, Mr. Trump was upset and said something to

1 effect of: Why are they still counting votes? The election's closed. Are they counting  
2 ballots that came in afterward? What the hell is going on? They're stealing this from  
3 us. We have this thing won. I won in a landslide and they're taking it back.

4 A I don't recall those exact records.

5 Q Do you remember anything like those?

6 A You know, was there -- was there, you know, a sentiment of that sort  
7 relayed? Sure. But, again, those exact words, I can't speak specifically to them.

8 Q Yep, fair enough. And so what was the sentiment like that that was  
9 relayed, as you recall it?

10 Mr. Marino. I thought he just answered that question, [REDACTED]. Right? I mean,  
11 the sentiment is as you -- as you've described in those -- in those phrases. Right? Why  
12 are they still counting votes? They're stealing the election. We won in a landslide.  
13 That -- I think that's -- that's what your question was. I thought that's -- that's what the  
14 answer was.

15 Mr. [REDACTED] Yeah. And I just want to make sure that we have Mr. Stepien's  
16 specific understanding of the words that night as opposed to just the sentiment more  
17 broadly. So if you --

18 Mr. Marino. I thought he testified -- I thought he indicated that he doesn't  
19 remember the exact words.

20 But to the extent you do --

21 Mr. Stepien. Yeah. There was -- there was general frustration about -- about  
22 the lack of conclusion on election night. You know, a lot of this goes back to, you know,  
23 the expectation setting that we discussed earlier about how this would -- this would be a  
24 process. And, you know, he was -- he was frustrated. He was also, you know, a  
25 candidate for office. And, you know, candidates for office, it's stressful situations when

1       their job is on the line or often, you know, it's a tense environment on a tense night and,  
2       you know, frustration was real.

3                       BY MR. [REDACTED]:

4               Q     Understood.   So you said you went up to the residence with a group of  
5       people.   Do you remember who that group of people was?

6               A     Members of the family.

7               Q     Meaning?

8               A     I don't recall who I traveled up to the residence with.   What I can say is that  
9       there was a group of probably 30 people, 25 to 30 people, you know, at that point around  
10      the President's -- around the President in the residence.

11              Q     And did that include Mr. Justin Clark?

12              A     Yes.

13              Q     Mr. Miller -- Jason Miller?

14              A     I don't recall, but I assume so.

15              Q     Stephen Miller?

16              A     I don't recall.

17              Q     Ivanka Trump?

18              A     I don't recall.

19              Q     Donald Trump, Jr.?

20              A     I don't recall.

21              Q     Eric Trump?

22              A     I don't recall.

23              Q     Mayor Giuliani?

24              A     I don't know.   I'm sorry.   My recol- -- it was kind of a chaotic situation.

25      And I was -- I was kind of focused on, you know, on him and paying little less attention to

1 the surroundings. So I apologize for that.

2 Q No, that's perfectly fine. I appreciate you saying that you don't recall.

3 Do you remember in that period up in the residence anybody telling Mr. Trump to  
4 just go out and say we won?

5 A I don't recall. I was in the, you know, the President's group. You know,  
6 the core from -- from -- from that, you know, interaction in the residence, I mean, heck,  
7 maybe the entire group for that matter, you know, traveled down to the second floor  
8 where conversations were had about what -- what he would say.

9 Q What he would say, you're talking about the speech that he would give --

10 A Yes.

11 Q -- on early the next morning?

12 A Correct.

13 Q Who was a part of those conversations?

14 A Let me take a step back.

15 Q Yeah.

16 A There -- there -- there -- there were conversations about how to  
17 handle -- how to handle the evening in terms of, you know, what to say, if anything, that  
18 evening. And I think there was a belief that, you know, something should be said that  
19 evening, and that -- that was -- that was discussed at that point in time.

20 Q Okay. Could you be more specific? So you said there were conversations  
21 about a belief that something should be said. Were there conversations recommending  
22 that the President say something in particular and, if so, what was that particular  
23 message?

24 A My -- my belief, my recommendation was to say that votes were still being  
25 counted. It's too early to tell, too early to call the race but, you know, we are proud of

1 the race we run -- we ran and we, you know, think we're -- think we're in good position.  
2 And we'll have more to say about this, you know, the next day or the next day, whenever  
3 we had something to say.

4 Q And did anybody who was a part of that conversation disagree with your  
5 message?

6 A Yes.

7 Q Who was that?

8 A The President disagreed with that.

9 Q Anybody else?

10 A I don't know. Again, I was kind of squarely focused on him.

11 Q And how did he express his disagreement? What did he say?

12 A I don't recall the particular words. He thought I was wrong. He told me  
13 so and, you know, that they were going to, you know, go in a -- you know, he was going to  
14 go in a different direction.

15 Q Do you remember any other conversations that you were a part of with the  
16 President before he made his speech to the country early the next morning?

17 A I may have gone upstairs one time, but I -- I don't believe I did. I was -- I  
18 was -- I don't believe I did. I was largely relying on the family to relay whatever  
19 information, you know, we thought he needed to know. I was doing my best to respect  
20 his privacy for that evening.

1

2 [12:25 p.m.]

3

BY MR. [REDACTED]:

4

5

6

Q And other than the message of, "It's too early to say we won," was there any message that you or anybody else that you're aware of delivered saying, "It's not looking good," or, "You might lose, Mr. President"?

7

A No.

8

Q Not aware of anything like that?

9

A I'm not aware of anything like that.

10

11

12

13

Q Of course, the next morning -- early the next morning, on the 4th, to be specific, the President goes out and gives his speech to the country, effectively, and I'm summarizing here, but saying, you know, "We won. There's fraud." Mentioning that he's going to, I believe, bring a lawsuit in the Supreme Court about this.

14

15

Did you have any role in shaping the message that became his speech that morning?

16

A No.

17

18

Q Were you asked to give your input into the words or remarks that he would make that morning?

19

A No.

20

Q Do you know who did write that speech for the President?

21

22

23

24

A I was in the room. It was not a small room. It was a room off of where he addressed the people in attendance and the news cameras that evening. It was not a small room. I was in the back of the room. But he was -- he had his speechwriting team at a computer and was directing remarks largely himself.

25

Again, I was in the back of the room. I couldn't really see very clearly. But from

1 across the room, it seemed like he was directing his own speech.

2 Q Who was the speechwriting team that you're referring to? Who was on it?

3 A I couldn't tell. I'm not sure if -- I don't know who was actually at the  
4 computer typing.

5 Q Do you know if Stephen Miller was there for that computer typing and  
6 getting the speech ready?

7 A Stephen was at the White House on election night. I don't know if he was  
8 the one physically typing away.

9 Q What about Ross Worthington or Vince Haley? Do you know them?

10 A I do.

11 Q Do you know -- do you remember them being there helping on the speech?

12 A I don't recall.

13 Q Okay. Before we move on --

14 BY MR. [REDACTED]:

15 Q Yeah. Mr. Stepien, let me just go back to the conversation you're  
16 describing with the President on election night about what he should say.

17 Was that just one conversation, or were there multiple conversations over the  
18 course of that night about that subject?

19 A One conversation.

20 Q And, again, who was, like, in that immediate circle? I understand there  
21 were a lot of people in the room, but who was sort of part of the conversation that you  
22 had with the President? Was it just the two of you, or were there others sort of  
23 standing and contributing?

24 A I recall members of the President's family in the immediate vicinity. But  
25 beyond that, I was squarely focused on him.

1 Q Okay. Tell me, best that you can recall, what you told him. You conveyed  
2 the sentiment, and I appreciate that, but do you remember any specific words that you  
3 used or things that you said?

4 A I relayed what I believed his -- the overarching themes of his remarks to be,  
5 as I previously relayed. There was no additional color I could provide to that.

6 Q Yeah. And is it fair to characterize your perspective as, "Hey, it's just too  
7 early to say anything, right? We can't say we've won or lost because votes are still  
8 coming in. And you, Mr. President, should say that." That was sort of the thrust of  
9 your message?

10 A Correct.

11 Mr. Marino. And the other things, again, that Mr. Stepien testified to, right?  
12 That he said, we're proud of the race that we ran, we think we're in a good position, that  
13 sort of thing.

14 Mr. Stepien. Thank your supporters. Yes.

15 Mr. [REDACTED]. Okay. And then what do you recall, if anything, that he said,  
16 words that he conveyed in response?

17 Mr. Stepien. I don't recall anything specific. I just -- I recall general  
18 disagreement with my recommendation.

19 Mr. [REDACTED]. Okay. So he said, "No, Bill, that's wrong," or, "No, we've got to  
20 say we won"? Again, to the best that you can, and I understand it won't be verbatim,  
21 what, generally, did he say?

22 Mr. Marino. I think he's already testified that he didn't, [REDACTED], didn't remember  
23 exactly what the President said but that he conveyed a sentiment of disagreement.

24 Mr. Stepien. Yeah. He dismissed my recommendation and expressed his own.

25 Mr. [REDACTED]. Okay. And do you know whether or not that he was focused on a



1 communication strategy or sort of the merits of your assessment of the numbers?

2 Mr. Marino. I'm sorry. I'm sorry. Would he know that through -- like, how  
3 would he know that?

4 Mr. [REDACTED]. What he said. Yeah.

5 Mr. Marino. Through words, through things that the President said?

6 BY MR. [REDACTED]:

7 Q Yeah. I'm asking you if he said anything about communications versus the  
8 numbers.

9 I mean, you said earlier, for instance, that Mr. Giuliani was in the conversation  
10 downstairs in the Map Room, was talking about sort of communication strategy. I'm  
11 wondering if that, the motivation for the remarks, was communication strategy, or was it  
12 a disagreement with you about the numbers.

13 A I did not spend enough time in that setting, nor did the setting allow for a lot  
14 of follow-up questioning about why he felt the way he felt.

15 It was a large room, very early in the morning at the end of a long day. There  
16 were a lot of voices going around. Just wasn't able to ask him why he was thinking the  
17 way he was thinking.

18 Q Did you push back when he disagreed with you?

19 A No.

20 Q Did you say, "Hey, if you say that, Mr. President, here are the bad things that  
21 could happen," or sort of walk forward the eventualities of his plan to declare victory?

22 A No. He was quite confident that his belief was correct.

23 Q Okay. Were the other voices chiming in on his side that you recall, saying,  
24 "Yeah, that's right," or encouraging him to declare victory?

25 A I don't recall.

1           Q    Do you know if Mr. Giuliani had, at any point, conveyed to the President  
2   what he had conveyed to you downstairs, that he should declare victory?

3           A    I do not know.

4           Q    It sounds like he wasn't part of the immediate conversation that you were  
5   having with the President on this topic.   Is that right?

6           A    Not that I recall, correct.

7           Q    All right.   And do you recall anyone else, Mr. Stepien, over the course of the  
8   night similarly expressing that perspective himself or herself, separate from what we told  
9   the President, but declaring, "Hey, we should go out and declare victory"?

10          A    No.

11          Q    Only Mr. Giuliani?

12          A    Again, my kind of orbit that day -- that evening, rather -- was in the Map  
13   Room looking at numbers, around people who were looking at the numbers with a fine  
14   tooth comb like I was and, similarly, arrived, and we were all of the same conclusion.

15               And I traveled upstairs to that aforementioned conversation with the President.  
16   So I didn't really interact with a lot of people at all outside of the Map Room that day.

17          Mr. Marino.   And just one clarification just for the record.   I don't think this  
18   is -- I think this is a little unclear.

19               But I believe what Mr. Stepien said was that the conversation in which Mayor  
20   Giuliani expressed the view that they ought to declare having won Michigan or what have  
21   you, I think he said that was in the Map Room.

22               I don't think he recalled Mr. Giuliani being there with the President when he was  
23   conveying to the President the view that it was too early.   Just for clarity.

24               Am I right about that?

25          Mr. Stepien.   That is correct, Kevin.

1           And I would note that you had asked me who else spoke to the President, did I  
2           know if anyone spoke to the President.

3           Again, it was a -- my point of interaction with the President that evening was in  
4           the residence, it was a large room with a lot of people. So I can't speak to who he spoke  
5           to in that large setting. But there's a very real possibility that he spoke to anyone who  
6           was that room.

7           BY MR. [REDACTED]:

8           Q    Yeah. I understand that. I guess I'm zooming out from the conversation  
9           with the President and trying to get a sense from you, Mr. Stepien, whether anyone else  
10          at the White House that night similarly expressed the view that Mr. Giuliani expressed,  
11          that, "Hey, we should declare victory," right? Disagreed with you that it was too early,  
12          but sort of suggested that that would be the right strategy.

13          A    Yeah. As I noted, I was in a very confined setting in the Map Room among  
14          people who were looking at the same numbers I was and had a similar view that it was far  
15          too early to declare anything, victory or defeat.

16          And my -- with the exception of the conversation with Mayor Giuliani and one or  
17          two others, I was in the Map Room or in the residence. That was my -- my point is I  
18          didn't have a lot of interaction with a lot of people that evening --

19          Q    Yeah.

20          A    -- with the exception of those two settings.

21          Q    Gotcha. And at no point during any of your interactions, in the Map Room,  
22          in the residence, anywhere else, did anyone else express that view that Giuliani did about  
23          declaring victory?

24          Mr. Marino. Within his hearing?

25          Mr. [REDACTED]. Yes.

1           Mr. Stepien.   No, not that I recall.

2           Mr. [REDACTED].   All right.   And did Giuliani or anyone else claim to have others  
3 who shared that view, or was it strictly sort of that one conversation with Giuliani?

4           Mr. Stepien.   I know of no others who were sharing that view that evening.

5           Mr. Marino.   I think he's asking you, did the mayor say to you at some point, and  
6 others believed this, or this person or that person agrees?

7           Is that fair, [REDACTED]?

8           Mr. [REDACTED].   Yes.   Did the mayor or anyone else sort of say, not directly, "I  
9 don't believe it, but such and such believes that that --

10          Mr. Stepien.   No.

11          Mr. [REDACTED].   -- "strategy would be good"?   Okay.

12          Mr. Stepien.   No.

13          Mr. [REDACTED].   Okay.   Thanks.   That's all.

14          Mr. Marino.   Hey, [REDACTED].   Can I just ask.   It's about 12:35.   Do you know  
15 approximately how much longer you expect to be?   I'm just trying to figure out whether  
16 we should take a short lunch break.   Or how much longer do you all think we have to  
17 go?

18          Mr. [REDACTED].   I think, yes, we should take a short lunch break.   We've been going  
19 about 2 -- just over 2 hours now.

20          So I was planning on 12:45.   We could do it now, though.   This is a natural  
21 breaking point, if you'd like.

22          Mr. Marino.   It's fine.   Just tell me when you'd like us to return and  
23 approximately how much longer you think we have.

24          Mr. [REDACTED].   I think we'll probably be going till 4-ish.   And I think we're just  
25 under halfway done at about the 2-hour mark, so --

1           Mr. Marino. All right. So maybe a couple -- so a couple of more hours, you  
2 think. Can we resume at 2 o'clock?

3           Mr. [REDACTED]. I think if we do that, we might be going until 5:30 or 6.

4           Mr. Marino. I thought you said we were just under 2 -- we've been doing about  
5 2 hours. I thought you said we're just about halfway. So that's why I was thinking  
6 when you said 4 o'clock that we'd go from 2 to 4. But if you think that we have more  
7 than that, let's just make it a shorter lunch break and resume at 1:30 or 1:15.

8           It would be good to get it done by 4 just for our own planning purposes, but I  
9 don't want to truncate the committee's inquiry in any way.

10          Mr. [REDACTED]. Yeah. Well, we can shoot for that. It depends kind of on the  
11 answers as well as the questions, of course, that we have coming up.

12          But do you want to resume at 1? Is that enough time?

13          Mr. Marino. That's fine with me. I just -- are you finding Mr. Stepien's answers  
14 responsive and sufficiently concise? I know he's trying to be as inclusive as he can.  
15 He's not trying to truncate his answers in any way. Is it -- what's your perception of it?

16          Mr. [REDACTED]. Yeah. Of course. It just, I guess, it depends on how much he  
17 knows about some of the questions that are coming up. If it's a simple no, then that's  
18 one thing. But I have no issues, Mr. Marino, with that.

19          Mr. Marino. All right. So why don't we do this? Why don't we -- would it be  
20 all right if we resumed at 1:15?

21          Mr. [REDACTED]. Sure. Yep. That sounds fine.

22          Mr. Marino. Okay. Sounds good.

23          Mr. [REDACTED]. Thanks. We'll go off the record.

24          [Recess.]

1

2 Mr. [REDACTED]. It is 1:16, and we're resuming the transcribed interview of Mr. Bill  
3 Stepien. I'd just note that Mrs. Luria has rejoined us as well.

4 Mr. Marino. Thank you.

5 Mr. [REDACTED]. I do want to go to the post-election period, and I understand we've  
6 talked a little bit about it and how long you remained with the campaign or remained at  
7 the campaign.

8 But while you were there, who was in charge of messaging and sending out the  
9 campaign's messaging as of November 3rd, election day -- or excuse me, November 4th,  
10 the day after.

11 Mr. Marino. Who was sending out the campaign messaging as of the day after  
12 the election?

13 Mr. [REDACTED]. Yeah.

14 BY MR. [REDACTED]:

15 Q And let's start with creating the messaging?

16 A Creating the messaging?

17 Q That's right. The strategy, overall tone of the messages coming out.

18 A Yeah. Look, at that point, my focus was less on messaging and more on  
19 staying focused on uncounted votes and working with our data team to try and figure out  
20 on a not just daily basis but three or four times daily basis exactly where we stood. That  
21 was my focus.

22 Now, we had communications professionals on the team who were  
23 recommending and executing said strategies. But in terms of what we were saying to  
24 the media, that was not -- to me, there was so much still to learn. That was my focus,  
25 honestly.

1 Q Was Jason Miller still, did he take the overall kind of strategy view on  
2 messaging, to the best of your knowledge?

3 A Yeah. Jason's role, to boil it down, was that of communication strategist,  
4 yes.

5 Q And were Gary Coby and Tim Murtaugh still involved in the same roles they  
6 had pre-election that you described earlier?

7 A Yes.

8 Q All right. If we can go to exhibit No. 7, please. And we'll start at the  
9 bottom there, so you can read up and get the context.

10 This is a message again from Dick Morris. This is November 4th at 9 a.m. They  
11 went to Jared -- stop scrolling. Sorry. Yep. There we go.

12 Jared. Is that Jared Kushner? Do you see that there?

13 A Yes.

14 Q Also to John McLaughlin. John Jordan at Jordan Winery? Do you know  
15 who that is?

16 A No. Sounds like someone I'd want to know, though.

17 Q Hope Hicks. That's Hope Hicks who had a role both in and out of the White  
18 House at various points during the administration?

19 A Yes.

20 Q And Stephen Miller. Is that Stephen Miller who worked in the White  
21 House? It looks like a personal address for him.

22 A Yeah. I believe that's the case, yes.

23 Q Okay. So he sends an email, and John McLaughlin responds to that in the  
24 middle of the page there, if you scroll up a little bit.

25 Mr. Marino. Do we have what Mr. Morris' email is?

1           Mr. [REDACTED]. We do.

2           If you go down to the second page, [REDACTED]. Keep scrolling up. Right there.

3           Mr. Marino. Okay. So Dick Morris is sending this group of people as BCCs these  
4 election results based on Trafalgar.

5           Mr. Stepien. Do you mind -- I'm sorry. Just give me a couple seconds on -- if  
6 you could stop there. I just want to see one State.

7           Mail, 38 percent. I guess B is Biden. I'm assuming B is Biden. T is Trump.  
8 Early.

9           Okay. Okay. Thank you. You can scroll back up.

10           BY MR. [REDACTED]:

11           Q    Okay. So, first, Mr. Morris sends this to himself, and then he sends it to all  
12 the people we just went over.

13           A    Okay.

14           Q    And then John McLaughlin looks, like he responds and says, "The  
15 media" -- stop right there -- "The media is setting us up to allow the Democrats to steal  
16 the election. We need to prove fraud." And then asks questions about various  
17 precincts.

18           Do you remember seeing this exchange?

19           A    I do not.

20           Q    Okay. Do you remember John McLaughlin talking about the need to prove  
21 fraud in the day or so after the election?

22           A    I don't. You know, that's -- I don't recall that. I'll leave it at that. I don't  
23 recall that.

24           Q    Okay. Do you know of any reason he had to suggest that, that the  
25 Democrats were going to steal the election?



1 A No.

2 Q All right. So Jason Miller responds to this email and says, "Not helpful."

3 Given the context of this email and your work with Mr. Miller, do you know why  
4 Mr. Miller would say that, "Not helpful," in response to this?

5 Mr. Marino. I mean, are you asking him to speculate as to that or --

6 Mr. [REDACTED]. Based on his experience with Mr. Miller.

7 BY MR. [REDACTED]:

8 Q What do you understand of this?

9 A What I take "Not helpful" to be is -- so this is November 4th, right? This is  
10 the day after election day. This is at 9:39 a.m., right? That's correct, after election  
11 day?

12 Q Yes. That's right. This is November 4th. Jason -- Mr. Miller's response is  
13 at 2:46, to be clear.

14 A Okay. My belief is you have someone outside the campaign in Mr. Morris  
15 and someone who is a pollster in Mr. McLaughlin giving communications advice to Jason  
16 Miller, who's a communication professional. I would assume he would feel that's  
17 unhelpful. That's kind of his role and what he does for a living. So that's what I believe  
18 his response likely to be. But, again, that's my speculation only.

19 Q On November 4th, did you have any conversations with anybody involved in  
20 the campaign about the need to message fraud or prove fraud as is suggested here?

21 Mr. Marino. Do you mean, did anyone suggest that to Mr. Stepien, or did  
22 Mr. Stepien suggest that to anyone?

23 BY MR. [REDACTED]:

24 Q Were there any conversations where this -- with anybody in the campaign  
25 where there was a discussion about needing to prove fraud or message fraud, and this is

1 the day after the election?

2 A Message fraud? Not that I recall. Not that I recall.

3 Q Okay. What about the need to prove fraud?

4 A I mean, for me, no. We were still at a point in the campaign the day after  
5 election day in which there were still many, many, many votes left to be counted. So, to  
6 me, I wouldn't think from my vantage point that it would be helpful to be trying to prove  
7 fraud when Donald Trump could be proved the victor still.

8 Q Can we go to exhibit No. 8, please? And this is a document that you  
9 provided to us.

10 And for your knowledge, Mr. Marino, it's Bates 155.

11 And so what are these?

12 A So in the time period -- sorry, guys.

13 Q That's okay. Take your time.

14 A Yeah.

15 Mr. Marino. I'm sorry. Where did you say this document is?

16 Mr. [REDACTED] It's Bates 155.

17 Mr. Marino. And this is Exhibit --

18 Mr. [REDACTED] No. 8.

19 Mr. Marino. 8.

20 Mr. Stepien. So in the time period between election day and November 7th  
21 when the race was called one of the things I tried to do, wanted to do, was keep people in  
22 the game. There was a lot of uncertainty regarding what would happen ultimately with  
23 the election. Keeping staff members in the game and focused was something that was  
24 important to me. We needed people to keep working and working hard. So keeping  
25 internally staff in the game was something that I considered to be my job.

1           And, similarly, keeping the President's -- President Trump's supporters in the game  
2           was also something that was important to me.   While the votes were still being counted,  
3           while the race was still yet to be called, keeping people engaged was something that was  
4           important.

5           I did a grass -- a call with grassroots supporters.   And these were my personal  
6           internal talking points that I used for that call.   I think this call took place the morning of  
7           November 7th.

8                       BY MR. [REDACTED]:

9           Q    So Saturday morning, the day the election was called?

10          A    Right.

11          Q    Do you remember who else was on that call with you?

12          A    I believe Justin Clark was on the call.   I believe -- that's all I can -- that's my  
13          belief.   And I can't -- beyond that belief, I'm -- I couldn't say.

14          Q    And were these talking points specific to that call, or is this something you  
15          had made for any briefing you were going to do?

16          A    No, this was for a grassroots conference call.

17          Q    In there, in the middle of the page, you talk about some of the various  
18          victories that the Republicans had in the Senate and that Members of Congress holding  
19          on to their seats.   And you say, "Bottom line is this:   the numbers don't add up."

20               What do you mean by that?

21          A    Well, I'm referring to the numbers that I referred to above, you know.   I  
22          can't see the full screen, but I talked about Republicans gaining seats, gaining seats in  
23          battleground States, Trump's improvements upon votes among Hispanics, for example, in  
24          certain States, you know, improvement on the raw number.

25               If you would have told me -- I may actually say this; I'm not sure -- but if you would

1 have told me those things occurred, you know, to me, I can't see how he couldn't have  
2 won based on those facts. That's what I was referring to.

3 Q And then you go on and you say, "And when we see the amount of incoming  
4 reports of fraud -- and the irregularities we've uncovered -- you quickly learn why the  
5 numbers don't add up."

6 So at this point on November 7th, what reports of fraud are you talking about?

7 A So we had set up a hotline in the headquarters manned by campaign staffers  
8 that we publicized for supporters, voters, onlookers to call in and say, "Hey, I saw this  
9 happen at my polling station on election day. I wanted you to know about it." And we  
10 received a lot of reports to that regard.

11 Q And at this point on November 7th, did you have any way of knowing  
12 whether those tips or reports were true?

13 A No. I mean, we took all of those reports and shared them with our teams  
14 to analyze and make calls and try to get to the bottom of it.

15 Obviously, that's a process that takes time and effort and it doesn't happen on the  
16 spot. So to the best of our abilities, we were -- the campaign was seeking to understand  
17 if those reports were true or not.

18 But did we get to the bottom of every incoming report? Absolutely not.

19 Q And when you said share with the teams, who are you talking about?  
20 What are the teams? Are they in the campaign? Are they outside groups that are  
21 looking into these reports?

22 A Yeah. You know, the internal legal operation that was at that time headed  
23 up by Justin Clark.

24 Q Did you have, like, a research staff?

25 A We did have a research staff. I mean, not for that purpose. We did have

1 lawyers. The campaign had recruited lawyers. Justin had recruited and the campaign  
2 had recruited lawyers to be on hand and on call in specific States.

3 So as we got incoming reports of alleged fraud the campaign would farm those  
4 out and say, "Hey, we just got this call from someone in Ohio. Can you look into this for  
5 us?"

6 Mr. [REDACTED]. And, Mrs. Luria, I see you just turned on your camera.

7 Mrs. Luria. Yes. So I did have to step away and come back. But I think a  
8 theme and something you've said a few times in your previous responses is that the  
9 campaign was not pushing the idea of voter fraud.

10 Yet it sounds like you set up an elaborate operation of people in different States  
11 standing by in the event that something like that happens. You set up a hotline, which  
12 you said you publicized the hotline.

13 And I guess my specific question is, and you've worked on many campaigns  
14 because you shared your bio at the beginning, is it the normal reaction of a candidate  
15 who finds themselves losing when election results come in to mount a campaign to prove  
16 that there was fraud?

17 Mr. Marino. So I just -- that question is very misleading, and the statement that  
18 you made I think is not reflective of anything that Mr. Stepien said or anything that's  
19 reflected in Bates No. 155. I don't think the question is clear also.

20 Is the question simply, is it the norm to investigate whether there was fraud if  
21 there are reports coming in of irregularities? If that's the question, then that's fine.  
22 But the rest, I think the leadup to the question casts it in a very confusing and somewhat  
23 misleading light.

24 Mrs. Luria. Okay. So perhaps I can rephrase my question to say --

25 Mr. Marino. Thank you.

1           Mrs. Luria. It essentially appears, from what I'm reading, that this is going out to  
2 a grassroots audience. And if I'm to go back and read some of the comments in here,  
3 "The numbers don't add up."

4           So I get that theoretically like you're saying, we improved in so many areas, it  
5 doesn't add up in my head that we're still behind. But the focus seems to shift towards  
6 fraud in a way that you're building an operation to prove that there's fraud.

7           Mr. Marino. Yeah. I just don't accept that. I object to that question.

8           Again, I think you're drawing a conclusion that is not embedded within this  
9 document, and, honestly, is not fair.

10          I mean, like what Mr. Stepien says in this email is he recounts that the  
11 various -- the many things that have occurred. That the Republicans have held the  
12 Senate. They've gained as many as 13 seats. They've flipped House seats in  
13 battleground States. The President had won 9 million more votes than in the previous  
14 election. And speaks about the Arizona Hispanics and Georgia Hispanics and Nevada  
15 Hispanics, in which in all those places the President's numbers had improved.

16          And so that caused him to raise the question of why the President would then lose  
17 by more than 5 million popular votes.

18          And then we talk about, as you see, "Bottom line is this: The numbers don't add  
19 up. And when we see the amount of incoming reports of fraud -- and the irregularities  
20 we've uncovered -- you quickly learn why the reports don't add up."

21          I think that it's unfair to say this is -- a conclusion has been drawn that there was  
22 fraud or that they ought to be out trying to prove fraud. It makes a specific reference to  
23 incoming reports of fraud and irregularities that were uncovered.

24          So I just -- with that understanding, I think that's -- I guess that's, I think, a more  
25 accurate way of describing the document. And I don't want to quarrel with you,

1 Congresswoman, but that's where it is.

2 Mrs. Luria. Okay. No, I will accept that that's your interpretation of it.

3 And my question would be then, specifically comparing this campaign to the many  
4 other campaigns you had worked on, was your preparation and response for voter  
5 irregularities the same, or was something different in this election than previous elections  
6 that you had been a key player on a campaign team with?

7 Mr. Stepien. The 2016 campaign -- the 2016 Trump campaign just was not very  
8 organized and was very skeletal in nature. So that is not -- that's not a very -- I couldn't  
9 compare it to that. Just kind of apples and oranges in terms of setup, organization, and  
10 the like.

11 But I would say, whether it goes back to the 2000 campaign, Bush v. Gore, or I  
12 think it was the 2006 Minnesota gubernatorial campaign, any close contest has lawyers  
13 on call, has lawyers prepared and ready to look into matters. They have lawyers in  
14 States already.

15 I have no insight into the Biden campaign operation, but I'd be surprised if they  
16 didn't have point person lawyers in States ready to represent the campaign, their  
17 campaign, just like we had our campaign.

18 Mrs. Luria. Okay. So what I'm -- your takeaway is that from what you  
19 understood was responsible activity for a campaign in order to be prepared, you were  
20 following what you thought was the best practice. There was nothing out of the  
21 ordinary with a solid organization that you had in 2020 and what you had set up that was  
22 any different than what you had seen -- discounting the '16, because you said '16 was  
23 different -- but in the governors' races or other Presidential campaigns, you thought this  
24 was normal practice.

25 Mr. Stepien. That is correct. And I'd go further as to say the Trump campaign

1 was later criticized for not being prepared enough. So there's that, too. A lot of  
2 Monday morning quarterbacking.

3 Mrs. Luria. Okay. I apologize that it was a lengthy process.

4 Mr. Stepien. No, no, no, no.

5 Mrs. Luria. I was trying to determine, like, how is this based off of what you  
6 would consider a baseline for a normal campaign in which you had previously been  
7 involved. And it took a while for me to get to that particular question, but you did  
8 answer my question.

9 Mr. Marino. And I'm sorry. I wasn't being -- trying to be critical, either, of your  
10 question, just trying to get it as clear as possible. Mr. Stepien is trying to be as helpful as  
11 he can, and I understand that you're asking legitimate questions. Just sometimes it can  
12 be a little difficult. So I apologize.

13 Mrs. Luria. No, I understand, and want to speak on behalf of the committee as  
14 well that we are very appreciative of the fact that you're here and sharing this  
15 information with us. So thank you.

16 Mr. [REDACTED]. Thank you, Mrs. Luria.

17 Going back to this document at 155, or Bates 155, we talked a little bit about the  
18 incoming reports of fraud, and you also say in there, "and the irregularities we've  
19 uncovered."

20 What's the distinction between fraud and irregularities that you're drawing, if any,  
21 in this statement?

22 Mr. Marino. Well, [REDACTED], if I could just -- just so it's clear for the record, the  
23 reference here is to, on the one hand, incoming reports of fraud, right, and then  
24 irregularities that have been uncovered.

25 So just to be -- the question -- the statement about fraud is that there are



1 incoming reports. The statement about irregularities are things that "we've," meaning  
2 the campaign, have uncovered. So with that clarification.

3 Mr. [REDACTED]. And that was going to be my next follow-up question, but, first, I  
4 want to understand the difference between fraud and irregularities.

5 Mr. Marino. Understood.

6 Mr. Stepien. Yeah. And the irregularities that were -- that I'm talking about are  
7 the numbers atop of that paragraph.

8 BY MR. [REDACTED]:

9 Q So when you talk about irregularities, you're not talking about anything  
10 related to dead people voting, for example, or suitcases of ballots, those types of  
11 allegations?

12 A No.

13 Q And the proof for the irregularities you've uncovered, I think you just said  
14 this, but to be clear, is based on the data that you're seeing, some of which is included in  
15 this document above.

16 A Yeah. If you would have told me all of these things happened, I would say,  
17 wow, the numbers don't seem to add up, as I -- as this document outlines.

18 Mr. [REDACTED]. And I note for you, Mr. Stepien and Mr. Marino, that  
19 Representative Aguilar has rejoined us.

20 Mr. Marino. Thank you, [REDACTED]. And thank you for throughout the course of the  
21 proceeding keeping us apprised of that. It's appreciated.

22 Mr. [REDACTED]. Certainly.

23 BY MR. [REDACTED]:

24 Q In this document, unless I'm missing something, I don't believe you had a  
25 talking point making a projection or like -- or a comment on likelihood of success. Was

1       that intentional?

2               A     I don't think so.   You know, I'm not one to make predictions.   You know, I  
3       knew, look, as this week wore on -- election day was the 3rd.   I believe I did this call on  
4       the morning of the 7th.   Each day we were looking at vote totals coming in from each  
5       State.   And most States -- Pennsylvania is in my mind -- they would drop batches of  
6       ballots, they would release batches of new ballots made public at three or four times  
7       during the course of a day.

8               So we had -- we were paying close attention to all of that.   And from my  
9       perspective, the purpose of a call like this was to keep the President -- keep President  
10      Trump's supporters engaged and communicated with, and that was the point of this.

11              Q     But, obviously, the election was called by the networks on November 7th?

12              A     Yeah.   Literally, I think, just a couple hours after this call was held.

13              Q     From your perspective and where you sat, certainly as you were preparing  
14      these, did you have, in your mind, a basis to make a projection?

15              A     Did I have in my mind a basis to make a projection?   I mean, with each day  
16      that wore on, I mean, the trajectory of the race on election night, Trump ahead in many  
17      States, and as that week wore on, as the 3rd became the 4th became the 5th, and so on  
18      and so forth, and the vote-by-mail ballots were tabulated Trump's lead grew more  
19      narrow, and in some places Biden surpassed Trump in the vote totals.

20              So as the week wore on, as we paid attention to those numbers, every  
21      single -- multiple times a day, internally, I was feeling less confident for sure.

22              Q     So on November 7th, did you have a basis to think that the President won?  
23      It sounds like no, but I don't want to put words in your mouth.

24              A     I did not have a basis to believe President Trump won on November 7th.

25              Q     If we can go to exhibit No. 10, please.

1           A     And nor did I say that President Trump won on the call.

2           Q     And I'm not trying to suggest you did, Mr. Stepien. I was really just asking,  
3     did you feel like you had that basis on November 7th?

4                 So exhibit No. 10, this is an email, looks like a campaign email, a message that  
5     went on the 4th, so we're backing up just a little bit, the night of the 4th. And it  
6     says -- it's got the Trump-Pence banner, and it says, "Breaking: President Trump Wins  
7     Pennsylvania."

8                 And there's a quote, if you go down a little bit. It says, "As our campaign  
9     manager, Bill Stepien, said, "This is not based on a gut or a feeling...This on math, which  
10    showed a clear, distinct pathway for the President and Vice President."

11                So there seems to be some, a little bit of a disconnect, maybe, between the  
12    headline there and the quote as you're stated. But what was your recollection as far as  
13    your thoughts on Pennsylvania and the President's likelihood of success in Pennsylvania  
14    on November the 4th?

15                Mr. Marino. Can I just ask a question, [REDACTED]? Is this the only version of this  
16    document that you have? I mean, it's just interesting they have an ellipsis in here which  
17    is done to -- it's done to make a, obviously, an attempt at clarity, right? We do an -- we  
18    put an ellipses in when we want to make it clear that the quoted language does not  
19    follow exactly as it appears, right?

20                But if you see this, "Breaking, colon, President Trump wins Pennsylvani," so that's  
21    cut off. Is there more language that's cut off? It looks too when you get down to the  
22    one, two -- fifth line down, "President Trump is calling on" -- all caps -- "YOU to ensure we  
23    have the resources to finish the fight." "He," and then the next line, "secure."

24                So it seems like this is cut off. Is there a better version of this?

25                Mr. [REDACTED]. This is all we have.

1           So part of the question is going to be, what's your recollection of your statement  
2           on or about November the 4th?

3           Mr. Marino.   Who's the "you"?

4           Mr. [REDACTED].   Mr. Stepien.

5           Mr. Marino.   Okay.   And this is -- so this is -- this is -- can you just go -- scroll up  
6           for us, [REDACTED], once again to what's on the top?

7           So this is an email that goes out from DonaldJTrump.com and apparently to  
8           Pamela Morgan apparently in Georgia, right, and saying that President Trump wins  
9           Pennsylvania.   It's cut off.

10          Just so we're clear, this is not emanating from Mr. Stepien.   This is the  
11          DonaldJTrump.com email sending -- quoting what -- or what purports to be a quote of  
12          Mr. Stepien, right?

13          Mr. [REDACTED].   That's right.

14          Mr. Marino.   Okay.   Continue.   I didn't mean to interrupt.   I just want to get  
15          clarity around that.

16          Mr. Stepien.   Yeah.   On November 4, based on the analysis that our campaign  
17          had done, again, we had data scientists literally in headquarters crunching these numbers  
18          as they came in, we felt very, very, very good about Pennsylvania.   I felt very, very good  
19          about Pennsylvania.

20          And that turned out to be a bad feeling.   I was obviously incorrect when my  
21          personal projection that we won Pennsylvania was obviously found out not to be true.

22          BY MR. [REDACTED]:

23          Q   Did you participate in a call that morning, a press call, about Pennsylvania?

24          A   I did.

25          Q   Okay.   Do you remember what you said on that call?

1           A     Outside of saying that we had confidence that the President -- that President  
2     Trump won Pennsylvania, that was the message.   That was the marker I laid down.  
3     Because, honestly, the numbers were telling us that he was projected to win  
4     Pennsylvania.

5           Q     When did you learn or when did you think that maybe he hadn't won  
6     Pennsylvania?

7           A     I can't give you a day.   I mean, it was certainly between the point in time  
8     where that call occurred and November 7 for sure.

9           Q     Okay.   Some point in that period, November 4th to November 7th?

10          A     You know, as the week wore on we felt -- I felt much, much less confident  
11     with each passing day, different portions of each day, feeling less confident.   And as  
12     someone who is a professional at this, it was not a very proud moment to be wrong on a  
13     guess like this -- not on a guess, but on a projection like this.

14          Q     Fair enough.   If we can go to exhibit No. 11, please?

15                These are tweets from the President's account on November the 4th.   And I  
16     know that date is not shown on there, but I'd represent to you that these are from  
17     November the 4th.   And I'd ask that you look at the one -- the second one down there, it  
18     starts, "Last night."

19                It says, "Last night I was leading, often solidly, in many key States, in almost all  
20     instances Democrat run and controlled.   Then one by one, they started to magically  
21     disappear as surprise ballot dumps were counted.   Very strange, and the 'pollsters' got it  
22     completely and historically wrong."

23                Did the President coordinate with you, Mr. Stepien, before sending out this  
24     tweet?

25          A     I do not believe so.

1 Q Did he coordinate with you before sending out any tweets about fraud and  
2 the election that you can recall?

3 A No. I do not believe so.

4 Q Do you know if he was coordinating with anybody else working in the  
5 campaign about tweets related to fraud in the election?

6 A I cannot say. I don't believe so, but I cannot say.

7 Q In this, the President talks about "surprise ballot dumps." Do you know  
8 what that means?

9 A He could be referring to the public release, the multi-times-per-day release  
10 of counted ballots that I've referred to a few times during this conversation, but I can't  
11 speak to what he was saying specifically. That could be it, but I don't know.

12 Q If it is those things, those public release of ballot counting, is that something  
13 that you were surprised by or you weren't expecting?

14 A Was I not expecting his tweet, or was I not expecting the release of ballots?

15 Q Fair enough question. The latter. So were you not expecting a gradual  
16 release of ballots and counting -- the results of the counting of those ballots?

17 A I was expecting those releases.

18 Q So that all seemed normal that they would be coming out kind of gradually  
19 as the days went on after the election?

20 A Yes.

21 Q Now, for you in your job as campaign manager and doing what you needed  
22 to do, were tweets like these about fraud in the election and surprise ballots dumps  
23 helpful?

24 Mr. Marino. Is that rhetorical?

25 Mr. [REDACTED]. It is not.

1           Mr. Marino. Just a question.

2           Mr. Stepien. [Inaudible.]

3           Mr. Marino. I asked him if it was a rhetorical question.

4           I'm sorry, [REDACTED]. So was it helpful, when you know that the gradual release of  
5 ballots is commonplace, was it helpful to have the President -- the candidate say that it's  
6 very strange? Is that the question?

7           BY MR. [REDACTED]:

8           Q Well, yeah. I mean, this tweet generally talks about magically disappearing  
9 leads and ballot drops.

10           So are tweets like these helpful for you in the job that you want to get done as  
11 campaign manager?

12           A It was inconsequential to the task I was undertaking. Votes had already  
13 been cast. It's not as if he was -- these tweets were affecting in a good way or a bad way  
14 a voter as he or she made up their minds at the ballot box. All votes were cast by this  
15 point in time, and this really didn't affect the job that I was doing at this point in time.

16           Q Did you ever explain to the President what these surprise ballot dumps may  
17 be?

18           A Did I explain that ballots would constantly be released?

19           Q Yes.

20           A I'm sure I did. I can't recall a specific conversation, but I always did my best  
21 to keep him informed as to what would be occurring and when.

22           So I'm sure that at some point I told him that we expected this release of ballots in  
23 this particular State on this particular day between election day and as that week wore  
24 on. So I'm sure I mentioned to him that periodic release of ballots would occur.

25           Q Did he ever push back on that as, like, "No, this is not a normal thing," or, "It

1 shouldn't be happening," anything to that effect?

2 A I don't recall. I don't recall that. I mean, he may have expressed  
3 frustration about it, but I don't recall him using language or any of the context that you  
4 provided.

5 Q Explain the frustration. How did he convey that?

6 A Well, I mean, these were votes that were going against him. So, obviously,  
7 he's -- as you see your victory margin whittled down day by day, he was unhappy about  
8 that, and he expressed that.

9 Q Did he see it as Democrats trying to steal the election?

10 Mr. Marino. I mean, I think you're asking him to speculate about what the  
11 President was thinking. And we have the benefit of heaven knows how many tweets  
12 expressing what he was feeling. I'm not sure your -- I'm not sure how Mr. Stepien could  
13 be helpful about that.

14 Mr. [REDACTED]. Did he express to you that he saw it as Democrats trying to steal  
15 the election?

16 Mr. Stepien. Did he express to me that Democrats were stealing the election?  
17 Yeah, he was very concerned that he was winning, and now he wasn't. And he was  
18 concerned about instances in Philadelphia that Republican ballot counters -- observers,  
19 rather -- were reportedly shut out of that process and weren't given insight into that  
20 process, and that frustrated him.

21 Mr. [REDACTED]. And how did tweets like this, you know, when you see tweets  
22 coming out as a campaign manager, how, if at all, did that affect the messaging that was  
23 coming out of the campaign? Would you have to follow on and kind of amplify the  
24 messages that the President was putting out in this time period?

25 Mr. Marino. I mean, I think he already answered that in saying it was



1       inconsequential because the votes were already counted by now.

2               Mr. [REDACTED] That's how he saw it, right.

3               BY MR. [REDACTED]:

4               Q     Now I'm asking if it affected the campaign and the way the campaign was  
5       amplifying and putting out messages.

6               A     Well, I mean, a campaign cannot say something different than a candidate.  
7       So it was certainly limiting in terms of what a campaign could possibly say, because you  
8       can't, again, run counter, if you wanted, to what the candidate had said.

9               But, again, at this point in time you have in most States three or four batches of  
10      ballots being dropped a day. That was my focus, trying to stay on top of exactly where  
11      he was in the race, exactly where the race was at this point in time.

12              I know we had people going on TV and surrogates on TV. Honestly, I was paying  
13      a whole lot less attention to that and a whole lot more attention to the analysis.

14              And I'm not a communications guy. Maybe if I was, I'd be paying more attention  
15      to the communications that was going on. I'm a political grassroots numbers guy. I  
16      was paying most attention to that during these 3 or 4 days of the campaign.

17              Q     If we could look at exhibit No. 12, please.

18              This is an email, a single email, sent from Jason Miller directly to you on November  
19      the 4th. The time is 8:18 p.m. And the subject is, "script."

20              Then it says, "Follow up from this AM." It lists Pennsylvania and some facts  
21      about Pennsylvania. And if you go down to the bottom of page 1 there, it has Arizona.  
22      It has some facts about Arizona. And on to page 2, it's Georgia and North Carolina, a  
23      few facts there.

24              Do you remember this email with Mr. Miller?

25              A     No, I don't.

1           Q    On the bottom of page 1 -- go down just a little bit, right there -- it talks  
2   about probabilities, a few numbers, and says, "Based on that, 1960 level stealing, hyphen,  
3   stop fraudsters, hyphen, it's common sense."

4           Do you recall ever discussing with Jason Miller or anybody else 1960-level  
5   stealing?

6           A    No.

7           Q    Do you --

8           A    I honestly don't even know what that means.

9           Q    And then the "stop fraudsters" message, do you remember discussing with  
10   Mr. Miller on November 4th a need to stop fraudsters?

11          A    I don't recall that, I mean, and that's not -- like, "fraudsters" is not a word  
12   that I say.

13          So someone else may have said it. I certainly didn't echo that. Yeah. And I  
14   don't recall this email or having this conversation with Jason.

15          Q    If we can go to exhibit No. 13, please.

16          This is an email to -- from Ross Worthington, who we discussed earlier, and I  
17   believe that's a member of the speechwriting team in the White House. Is that right?

18          A    That is right.

19          Q    That's to Jason Miller, you, and then copying Stephen Miller, Vince Haley. I  
20   believe that's everything.

21          It says subject is, "Forward: Close hold," and then attaching election update  
22   revised document. And if you go to the next page of this exhibit, which is page 2, looks  
23   like it has draft remarks.

24          So do you -- first, I'll just step back. And on November the 5th, 2 days after the  
25   election, do you remember being involved in helping to draft remarks that the President

1 would make about the election and an election update?

2 Mr. Marino. I'm sorry. Do you recall -- say that again [REDACTED]

3 BY MR. [REDACTED]

4 Q This is November 5th. So on November 5th -- or, excuse me -- do you  
5 remember being involved in any discussions or preparations on November 5th with  
6 respect to remarks that the President was going to make about the election or an election  
7 update?

8 A Can I see more of -- just a little more of this? Like, can you just try and jog  
9 my memory on this a little bit?

10 Q Sure.

11 A Keep going. That pace is fine. Thank you. Keep going. Thank you.  
12 Keep going. Keep going. Keep going. Thank you. Thank you. Keep going. Keep  
13 going. Keep going. Keep going. Keep going. Keep going. Keep going. Keep  
14 going. Keep going. Keep going.

15 Yeah. I mean, it's -- you can stop.

16 I honestly don't recall this speech. I mean, I assume he gave a speech based on  
17 these remarks. Is that -- did that happen? I know I'm supposed to answer the  
18 questions, not ask them. I, honestly, don't recall him giving this speech, and I don't  
19 recall playing a role in the crafting of these remarks.

20 Q Did you have a role in drafting his remarks after the election at all that you  
21 remember?

22 A No. I don't believe so.

23 Q All right. On page 2, if you go down just a little bit. Stop right there.  
24 There's a paragraph that starts, "Today."

25 "Today, I will be outlining some of the deeply troubling and fraudulent activity

1 we've already discovered. There is no doubt, based on what we have seen, that  
2 Democrat Party activists and local officials are trying to illicitly change the election result."  
3 And for context, this, again, is on November the 5th.

4 So to your knowledge and understanding, had you seen proof by November 5th of  
5 fraudulent activity that either the President or the campaign had discovered?

6 A Had not. There were certainly allegations and reports, but nothing hard  
7 fast that would tell me the results of that is X amount of votes.

8 Q If you go to page 4, please. This goes through some of the purported  
9 examples of fraud. And if you look at the third paragraph from the bottom of this page,  
10 it says -- I'm just using this as an example, but it says, "There have been" -- "There are  
11 reports that our supporters in Arizona were given Sharpies to fill out their ballot and later  
12 learned their votes were invalidated," and that's extremely disturbing.

13 So you as campaign manager, did you have -- had you seen proof of this by  
14 November 5th?

15 A No.

16 Q All right. If we can go to exhibit No. 14, please.

17 This is an email exchange. When it comes up, you'll see it. But this is an email  
18 exchange the same day where it starts at the bottom with the email that  
19 Mr. Worthington sent, and then Jason Miller sends a response in the middle.

20 It says, "Team -- throwing a big blinking caution light here -- a lot of new data  
21 coming out last night that we need to analyze this a.m. Many of the stats used here in  
22 these draft remarks are already outdated. This is not about fraud or thematic speeches.  
23 This is about cold hard data points and legal challenges."

24 And then Stephen Miller responds and says, "That's why we sent it to you -- to put  
25 in the latest facts and data," and then he goes on.

1           Do you remember this exchange or conversations like this going on at the  
2 campaign on the 5th?

3           A    I don't. Look, the one thing you said, "like this." I don't recall this specific  
4 interaction. But I'll address the quote, "like this," close quote point in your question.

5           We on the campaign tried to be the source of data and information and  
6 up-to-date numbers. You know, we tried to be the operation, because we had  
7 resources to do so, to be the one always trying to -- that's why I said before, I was -- my  
8 point of emphasis was trying to stay on top of the numbers and the data every day of the  
9 week.

10          That's what I considered probably the important role of the campaign at that  
11 point in time, because I didn't want people getting too far ahead of the numbers or filling  
12 in their own gaps on the numbers.

13          So I don't recall this specific incident -- or exchange, rather -- but I see Jason's  
14 email here talking about data coming in, we need to analyze it, things are outdated, you  
15 know. That's what we were doing on the campaign at this point, looking at numbers  
16 several times a day to make sure we knew exactly where the race stood to the best that  
17 we could.

1

2 [2:06 p.m.]

3

BY MR. [REDACTED]

4

Q Do you remember there being any difference between the folks on the campaign, and specifically you, Jason Miller, and others, and people in the White House, I mean, like Stephen Miller, who wrote this last email that we see here, about the need to, you know, discuss fraud in the election as opposed to the data that you seem to be focused on?

9

A There were certainly differences between a couple of us on the campaign, you know, later on as, you know, the days wore on. But I don't recall at this point there being, you know, two separate, you know, teams or two separate lines of thought on this issue. That certainly occurred later in a big way, but, honestly, I just don't recall it at this point.

14

Q You said that occurred later in a big way. Can you explain what you mean?

15

A In terms of the legal operation. You know, with the slew of names that you mentioned earlier, our exchange much, much earlier in the day. But I don't recall that -- I don't recall -- I don't recall having to fight the White House, at least from my vantage point. Now, this is a communications discussion. You know, Jason, obviously, that's his specialty, and he is, you know, rightfully weighing in here. But, yeah, that's what I have to say about that.

21

Q Just to be clear for the record, the people on the other side of -- from the disagreement from you -- I know you said that we talked earlier, was that Mr. Giuliani and Jenna Ellis and the people on that legal team specifically?

24

A Yes.

25

Q And we will get into that certainly. If we can go to exhibit No. 15, please.

1 Specifically, this is a document that you provided, and it starts with Bates No. 11. If we  
2 can go to page 2. These are tweets that you provided to us, Mr. Stepien. And  
3 we'll -- at this one right here, this is November 5th. It's a graphic that says: Help stop  
4 voter suppression, irregularities, and fraud. Tell us what you're seeing.

5 Can you explain this tweet and why you sent it?

6 A Yeah. I am not a -- I'm not a frequent tweeter, as you probably saw. This  
7 was sent to publicize, if not the -- it was sent to publicize the hotline that we set up in  
8 headquarters.

9 Q And you used the hashtag, stop the steal and fight the fraud. Why'd you  
10 use those hashtags?

11 A I don't know. I usually -- I usually -- I rarely write my own tweets. The  
12 whole thing makes me nervous honestly. I guess that was -- those were hashtags that  
13 the campaign was using to, I guess, draw attention to the hotline.

14 Q Did you write this tweet or did somebody else compose it for you?

15 A I don't recall.

16 Q Do you know how the stop the steal hashtag was developed?

17 A I don't. I don't.

18 Q But you think it was something the campaign was using and that's why you  
19 would have used it?

20 Mr. Marino. Just to clarify, when you say the campaign, we're talking about after  
21 the election was over, right?

22 Mr. [REDACTED] That's right.

23 Mr. Marino. Okay.

24 Mr. Stepien. I'm sorry. Can you repeat the question?

25 BY MR. [REDACTED]:

1           Q    You're saying that's something that the campaign had been using, though,  
2           and that's why you think you may have used it.   Is that right?

3           A    It was used -- I guess -- again, I'm not a big Twitter guy, but I believe that was  
4           a commonly used hashtag at that point in time.   And, again, I don't know much about  
5           Twitter, but I think, like, you can -- hashtags help publicize certain items, and those were  
6           two hashtags that were popular or common, at least among the President's supporters at  
7           the time.

8           So the goal was to publicize the hotline, so I put out the tweet.   And, I guess,  
9           those were two hashtags that would have helped publicize said outline.

10          Q    We can go to exhibit No. 16, please.   This is a series of four tweets.   Again,  
11          there's no date, but I'd offer to you, Mr. Stepien, that these are from November the 5th.  
12          And, you know, there are various tweets here.   Stop the fraud.   The second one says:  
13          All of the recent Biden-claimed States will be legally challenged by us for voter fraud and  
14          State election fraud.   Plenty of proof.   Just check out the media.   We will win.

15          He then says, big legal win in Pennsylvania.   And then finally, stop the count.

16          Were you involved in any discussions with the President about these tweets?

17          A    I do not believe so, no.

18          Q    Were you ever involved in any discussions with the President about this idea  
19          of stopping counting votes, and particularly as it relates to the postelection period?

20          A    Define involved.   In like involved in discussion, meaning, did I hear him talk  
21          about it?

22          Q    Either did you talk about it or did you hear him talk about it, correct?

23          A    Yeah.   I -- like, I was aware that -- what was going on in States.   The  
24          counting of ballots was, you know, the normal and expected course of events.   So stop  
25          the count was not a -- you know, that wasn't something I -- I -- you know, understood to



1 be -- what am I trying to say? I knew what was happening was the normal course of  
2 events. So stopping something I expected was something I ascribed to at that time.

3 Q Okay. So just to get to the question, though, were you involved in any  
4 discussions, either did you have a discussion with the President where he said we need to  
5 stop the count, or were you a witness to a conversation like that?

6 A No, I don't recall that. I mean, it seems to be even more -- more Twitter  
7 speak than anything else. I don't recall that in a conversation with him. I mean, I  
8 certainly saw him, you know, tweet about it, but it seems to be more something for  
9 Twitter than a conversation I would have had with him.

10 Q So you never heard him say that to you or your colleagues at the campaign?

11 A I don't believe so, no.

12 Mr. [REDACTED]. All right. Before we get to that, any questions from what we've  
13 been over?

14 Mr. [REDACTED] Yeah. Let me just jump in -- well, first, let me see if Mr. Aguilar or  
15 Mrs. Luria have anything?

16 No.

17 Mr. Stepien, I just want to go back quickly to what Mr. [REDACTED] was just asking you  
18 about with your own tweet back on the previous exhibit, I think it was 15, and specifically  
19 the hashtag, hashtag stop the steal, fight the fraud. We've had testimony from other  
20 witnesses that they consciously refrain from using that language because it didn't seem  
21 consistent with the evidence. You strike me as a person grounded in numbers and data  
22 and evidence. So I'm just -- I want to get a little bit more of your thoughts on the basis  
23 for those hashtags, stop the steal, fight the fraud.

24 At that time you used them in tweet, did you have any evidence that there was  
25 fraud or that the election had been stolen?

1           Mr. Marino.   You're asking beyond what he's already testified to [REDACTED]?

2           Mr. [REDACTED].   Yes.

3           Mr. Stepien.   No.   But if the -- if people had -- the purpose of the hotline was to  
4   field calls to receive information that we, you know, didn't know or weren't aware of.  
5   And we wanted to know if there was fraud.   We wanted to know if the election were  
6   stolen.   If people saw something, if people witnessed something, we wanted to hear  
7   about it.   So hence -- hence, the setup of the hotline.   That's -- that's why we decided.  
8   We wanted to know if people saw an election being stolen.   We wanted to know if  
9   anyone saw fraud.   That's why we set up the hotline, to get those reports.   And that's  
10   why the hashtags were used.

11          Mr. [REDACTED].   Yeah, I totally understand that if it exists, you want to hear about it.  
12   But at that point, it sounds to me like you didn't know whether it existed, is that right, at  
13   the time that you made this solicitation with the hotline?

14          Mr. Marino.   Tim, I think he's already testified that he didn't know whether it  
15   existed, that the hashtags were put in place, that he is not much of a Twitter user, that he  
16   doesn't even know if he wrote these tweets himself.   And so these hashtags, stop the  
17   steal and fight the fraud on 11/5, I think he's explained.   I mean, if you have more to add  
18   to that.

19          Mr. Stepien.   I don't.   I mean, my volume of tweets is quite, quite low.   I just  
20   don't do it that often, so -- yeah.

21          Mr. [REDACTED].   No, I appreciate that, Mr. Stepien.   And I don't mean to belabor it.  
22   I guess, it just seems inconsistent with the notion that we don't know if there's any fraud  
23   or anything stolen yet that the hashtags are conclusory, suggesting that there is fraud and  
24   that there has been a steal.   I'm just asking for your explanation as to that, that what  
25   seems to me to be an inconsistency.

1           Mr. Stepien. I guess I would read it differently. We would want -- we want to  
2 know if there were stolen votes. We would want to know if there was fraud. It was  
3 more an invitation to tell us. I mean, as the graphic says, help us stop it. Tell us what  
4 you're seeing. It was more of an invitation than conclusory, to use your word.

5           Mr. [REDACTED]. Yeah. Okay. And did your approach to those two hashtags,  
6 either in tweets or in any public statement, change over time? I mean, separate from  
7 this tweet, did your opinion about stop the steal or fight the fraud over time after this  
8 change?

9           Mr. Marino. Let me just put it in focus for a moment, [REDACTED]. When you're saying  
10 his opinion about this, I don't think that Mr. Stepien has testified that he believed that  
11 any time that there was conclusive evidence of a stolen election or a fraud. You see  
12 these -- use of these hashtags, which he's explained. But I want him to explain his view  
13 and how it developed in the days following the election. But I don't want the record to  
14 be in any way unclear about whether he ever thought with -- in a -- ever was satisfied, if  
15 you will, that there was, in fact, fraud or a stolen election. I believe he's told -- I believe  
16 he said that he'd never come to that conclusion.

17           Mr. Stepien. Yeah. And -- go ahead.

18           Mr. [REDACTED]. I'm looking for exactly the same thing. If you never concluded  
19 that there was fraud or anything stolen, how did that, if at all, affect your use of rhetoric,  
20 either in tweets or otherwise, like stop the steal and fight the fraud?

21           Mr. Marino. So the reason that question is objectionable and that kind of  
22 question is the kind of question that will lead to an unclear record is it suggests that at  
23 some point in time because Mr. Stepien used the hashtags that we've seen about a stolen  
24 election and fraud in these emails on November 5th -- right -- it suggests that he had  
25 come to the conclusion by using those tweets -- or using those hashtags, if you will, he'd

1       come to the conclusion that there was fraud.

2               I think he's told you the opposite of that. I think he has described them in a way  
3       that's contrary to your reading them. I think he's been very clear that his use of the  
4       hashtags or that the use of the hashtag by whomever drafted these tweets was more in  
5       the nature of inquiry, right? If there's a stolen election, if there's fraud, in a very, very  
6       short, you know, within 24 hours of the election having been held on election day and  
7       days before the AP called the election. Right?

8               So I just want the record to be clear that Mr. Stepien has not been equivocal at all  
9       about his view that there was not evidence of fraud, that they were looking for evidence  
10      of irregularities in fraud, and particularly in the early days, the very early hours, if you will,  
11      after the election -- after election day, and that his views on this came clearly into focus  
12      as the numbers that he was so focused upon became clear. I think that's what he is -- I  
13      don't think I'm mischaracterizing his testimony in any way.

14              Mr. Stepien. Correct.

15              Mr. [REDACTED]. Yeah. Mr. Stepien, again, just going forward, did that ever  
16      change? Did your approach to the use of these words at any time vary from the  
17      perspective you indicated and formed your use of them in this tweet on November 5th?

18              Mr. Marino. I just want to be clear, [REDACTED], not to be unfair. Using the hashtags I  
19      think is -- is there an email here in which Bill Stepien ever at any time, from the day the  
20      election was held till the day the AP called it right up on, you know, and through the  
21      ensuing weeks, did Mr. Stepien ever use those words in the body of a tweet? Are we  
22      talking about the fact that, of the handful of tweets he sent, there were a couple of  
23      tweets sent out using that hashtag? Because I just wanted to be clear what the record  
24      evidence is.

25              Mr. [REDACTED]. I'm just simply trying to get Mr. Stepien's personal perspective on

1 the use of those words.

2 Did you, Mr. Stepien, ever change your view as to whether or not it was or was  
3 not prudent to use the words "stop the steal" or "fight the fraud"?

4 Mr. Marino. In these hashtags?

5 BY MR. [REDACTED]:

6 Q In any way, in hashtags, in speeches, on calls with grassroots supporters,  
7 with anyone in any way in your role as the head of the Trump reelection campaign.

8 A Yeah. So this is at some point on the 5th. You know, ballots are still being  
9 counted. You know, all you're seeing and hearing and getting calls, reports of are  
10 people, you know, raising their hands and saying, look, I saw this; you know, look at that.  
11 I'll get to your question in a second.

12 This was set up as a way to capture and get to the bottom of those allegations in  
13 an organized way. You know, tell us what you saw. We want to have, you know, a  
14 staffer record what you saw. We want to take them seriously. We want to, you know,  
15 try and get to the bottom of what you said you saw. It was largely -- this was a conduit  
16 to allow that to happen in an organized, professional way.

17 My -- as time wore on, as we got further away from, you know, election day,  
18 election -- the 3rd, the 4th, the 5th, as, you know, you would see reports as someone who  
19 would raise their hands, you know, or either on a hotline call or on a news report or, you  
20 know, someone in a State saying, hey, you really should look into this. You know,  
21 we -- I -- I'm not going to say we. I did not come to my -- my belief as we got further  
22 from election day was that there was just simply not enough -- if there were irregularities,  
23 and there are in every election in red counties and in blue counties, there weren't enough  
24 to overturn or flip enough votes or change enough votes to change the election.

25 So in terms of my personal evolution on that from this tweet forward, yeah, my

1 view did change. But to be clear, when I say change, I was not at a conclusion at any  
2 point. I just want to be clear on that.

3 Q Yeah. No, I totally appreciate that. So once you reached the conclusion  
4 over time beyond November 5th that while there are irregularities like there are in every  
5 election, they weren't sufficient to undermine confidence in the outcome, did that mean  
6 that you stopped using any -- using those words, stop the steal or fight the fraud, in  
7 tweets or otherwise?

8 A Yeah. I mean, I -- I see this here, these hashtags here. I don't think that  
9 there's -- you know, as this week turned into next and I just -- yeah, fight the fraud, stop  
10 the steal, those aren't -- those aren't words that were -- that were off spoken or maybe  
11 even ever spoken by me.

12 Q Yeah. I appreciate that. And I think Mr. [REDACTED] is going to get to the  
13 point at which you reach that conclusion about a lack of fraud. And I don't want to  
14 preempt him. But, yeah, the reason I ask all this is that we've heard testimony from  
15 others that those words were either intentionally used or intentionally avoided. And I  
16 understand you're saying here you were open-minded and wanted people to come  
17 forward with such evidence. But when that didn't emerge or at least the evidence  
18 didn't cause you to lose faith in the outcome, you stopped using them. Is that sort of a  
19 fair summary of your perspective about those words?

20 A It is. And not to get too far ahead, the AP calls the race on November 7th,  
21 right? This was on November 5. November 7, the AP calls the race. That was a  
22 Saturday, November 7th.

23 Q Yeah. Yeah.

24 A Two days later, on Monday, they had shut down the hotline --

25 Q Yeah.

1 A -- and began -- and began the orderly shutdown of the campaign.

2 Q Yeah.

3 A So --

4 Q Yeah. I totally appreciate that, Mr. Stepien. You're actually anticipating  
5 where I know [REDACTED] wants to go. So let me stop and go back to his outline.

6 Mr. Marino. Can I just -- if I may, can we just -- we've been going a little more  
7 than an hour this afternoon. Can we take a very short break and just get a read on if  
8 we're still thinking that we're largely like within the next couple of hours be finished?

9 Mr. [REDACTED]. Why don't we go off the record and talk about that.

10 Mr. Marino. Very good. Yes, that's fair.

11 Mr. [REDACTED]. So let's go off the record now.

12 [Discussion off the record.]

13 Mr. [REDACTED]. Let's go back on the record then. It is 2:41, and we're resuming  
14 the transcribed interview of Mr. Bill Stepien.

15 My colleague, [REDACTED], has a few questions for you, Mr. Stepien.

16 BY MR. [REDACTED]:

17 Q Thanks, Mr. Stepien. Before we move too far ahead in the timeline, I just  
18 wanted to ask a few questions. Apologies, but I'd like to take us back to election night,  
19 and by that I mean November 3rd and then the early hours of November 4th, 2020. At  
20 any point during that night, did President Trump exhibit any understanding that he had  
21 lost or could lose the election?

22 A No.

23 Q Specifically, it's been reported that he said the following, quote, How did we  
24 lose to Joe Biden? What happened? What went wrong? Can we still win?

25 Do you recall him saying anything like that?

1 A No.

2 Q Okay. Earlier you described to us the conversation that you and others had  
3 with Mr. Giuliani outside the Map Room in which he proposed declaring victory in a  
4 number of States. Was that the first time that you had heard Mr. Giuliani make that  
5 argument?

6 A Yes.

7 Q Was that the first time that you had heard anyone make that argument?

8 A And by argument, which -- can you clarify the argument in the question?

9 Q I'm referring to your earlier testimony in which you described what Mr.  
10 Giuliani proposed during your conversation outside of the Map Room. And I don't want  
11 to put words in your mouth, but, in short, it consisted of declaring victory --

12 A Sorry. Did anyone make the argument that Giuliani had made?

13 Q Yes. Before that night.

14 A No, no.

15 Mr. [REDACTED]: All right. That's all I have.

16 Mr. [REDACTED]: Thank you. I think it's a good segue.

17 BY MR. [REDACTED]:

18 Q I'd like to speak a little bit about Mr. Giuliani and the legal team that came  
19 in. When did you first learn that Mr. Giuliani was going to be coming in to assist with  
20 the -- running the campaign, or what was left of the campaign, I should say?

21 A Mayor Giuliani was an increased presence after election day. Not so much  
22 at headquarters, but I know there were a handful of meetings that I attended at the  
23 White House that he was at. Officially, I guess, officially, the -- was it the 13th? I think  
24 it was two Fridays after election day. Two Fridays after election day, the 13th, I think  
25 that's when, you know, officially, I guess, he assumed control of the legal operation.



1 And, I mean, for all intents and purposes of the campaign at that point, because that's  
2 really what it was by that point in the month.

3 Q You said he had an increased presence after election day. Do you know  
4 why?

5 A I don't know why.

6 Q You don't know if, for example, the President had asked him to take on an  
7 increased role with what was left of the campaign after election day?

8 A I know that that happened or read that that happened on at least the 13th  
9 and then forward. But before that point in time, I had no knowledge of why he  
10 was -- why he was around more often.

11 Q You said around more often, so my next question is going to be, can you  
12 complain what that means? Was he at headquarters with you, was he calling you, or  
13 something else?

14 A Yeah. No, no -- no phone calls to me. No, you know -- you know, direct  
15 meetings with me. But, you know, he was -- he started showing up at headquarters.  
16 You know, we -- you know, remember, that week, we're still -- every day it's not a  
17 glamorous task, but every day, again, multiple times during the day we're looking at the  
18 numbers, looking at the numbers. We had heard that he was, you know, at the White  
19 House or trying to be at the White House. He wasn't yet at headquarters, but we had  
20 been hearing that he was trying to, you know, spend time with the President.

21 Q Did he come -- let me start over. The increased presence, was it him alone  
22 or did he have other people with him?

23 A I can't speak to what -- who he was with at the White House because I didn't  
24 spend much time there that week. But, yeah, he had -- he would show up at  
25 headquarters, you know, especially the following week. He would poke his head in and

1 he'd have -- I don't know the faces or the names, but he'd have, you know, a group of  
2 three or four folks with him. You know, I later understood one of those people to be  
3 Sidney Powell. Didn't know that name at the time. And I didn't -- I think one of the  
4 persons was an assistant. But I -- he did start showing up at headquarters with more  
5 frequency, especially that week after election day.

6 Q Did Bernie Kerik start showing up at headquarters around the same time as  
7 Mr. Giuliani?

8 A I never saw Mr. Kerik at headquarters.

9 Q Did you ever see him anywhere --

10 A No.

11 Q -- in postelection period?

12 A No.

13 Q Do you remember the date, roughly, when Mr. Giuliani first started showing  
14 up at headquarters?

15 A You said the date, roughly, right?

16 Q Yeah.

17 A So I'll say date, roughly, November 6th.

18 Q Okay. And it has been reported that he showed up at headquarters along  
19 with Sidney Powell and Jenna Ellis that day; they had a meeting in a conference room  
20 with you, Jared Kushner, David Bossie, and Eric Herschmann, and others. Do you  
21 remember that meeting?

22 A I do.

23 Q What happened at that meeting?

24 A Mayor Giuliani had a lot of ideas about -- and I don't recall what the specific  
25 ideas were at the point -- at this point in time, rather. But he had a lot of strategies and

1 plans as to, you know, what he would be doing if he were in charge. And, honestly, you  
2 know, at that point in time, it still -- the race still had not yet been called. I was  
3 spending my time trying to get back to work and not spend time in the conference room  
4 with Mayor Giuliani. And I -- you know, I believe that to be the case for at least a couple  
5 of the names you mentioned who weren't accompanying Mayor Giuliani.

6 So he came in, he wanted to have a meeting. He wanted to understand what we  
7 were doing. That quickly morphed into what he felt we should be doing. And, you  
8 know, I kind of left the meeting and went back to my office and to get back to work after  
9 not that long in the room, maybe 10 or 15 minutes, spending with Mayor Giuliani and a  
10 couple of other people who were in that room, I think, you know David Bossie. I can't  
11 recall if Jared was in that group, but I think Eric Herschmann, probably Justin Clark, they  
12 gravitated to my office as well. And we were talking about, you know, real things, you  
13 know, related to what was happening that week that, you know, that we were immersed  
14 in.

15 And, you know, I remember, you know, Mayor Giuliani kind of like walked down  
16 the hallway to where we were and was frustrated that, you know, we had kind of left the  
17 meeting space with him.

18 Q You mentioned that he had some ideas on strategies and various, more or  
19 less, areas to explore. Did his strategies, did they have to do with fraud in the election  
20 or purported fraud in the election, that you recall?

21 A Assuredly they did. I can't at this point recall specifically what his -- what  
22 his ideas were. I mean, again, my focus, honestly, was getting back to work. And,  
23 yeah, he talked a lot about bringing people in. I mean, he talked, you know, about  
24 people he wanted to bring in and people he wanted to help him. And, again, I -- I kind  
25 of made my way out of the room as soon as I could and, you know, other people followed

1 me.

2 Q It's been reported that Mayor Giuliani brought up dead people voting and  
3 destruction of ballots. Do you remember that coming up in the meeting?

4 A I don't deny that it did, but I don't recall hearing that.

5 Q It's also been reported that Sidney Powell claimed that voting machines had  
6 been rigged. Do you remember any discussion about voting machines in that meeting  
7 on the 6th?

8 A Don't recall it happening, but don't deny that it was a topic.

9 Q You mentioned that Mayor Giuliani had some ideas on what he thought you  
10 should be doing. Do you remember any of those ideas or what he suggested that you or  
11 the campaign should be doing?

12 A I wasn't in the meeting very long, but it largely, for the portion I was  
13 there -- and, again, it continued after I left -- it largely entailed, you know, bringing in, you  
14 know, more, I'll call it firepower, the wrong word, but more legal resources to accompany  
15 him and get done what he thought the campaign needed to be doing.

16 Q So you don't remember any of his specific recommendations?

17 A I don't.

18 Q Okay. When you left the meeting, you regrouped in your office, did you  
19 talk about Mayor Giuliani and what his thoughts were for the campaign?

20 A Yeah. I mean, our -- the group of us, we talked about how we had work to  
21 do in headquarters with vote count. Again, this is days after election day. The AP still  
22 had not yet called the race. Still up in the air, the results. Bleaker by the way, you  
23 know, assuredly, as I had mentioned, but still too close. Just still too close to call.

24 We were being distracted from our daily tasks and that was a concern to us.  
25 There was also concern expressed that, you know, him being around President Trump

1 wasn't the most helpful thing either.

2 Q Why?

3 A Because a lot of the, you know, theories that, you know, we, you know,  
4 didn't necessarily believe based on the evidence that we had seen to that point, you  
5 know, those were -- those were, you know, dead people voting or, you know, fraud.  
6 You know, those -- we were concerned that those were, you know, not only was he a  
7 distraction to us, we were also concerned he would be a distraction to President Trump.

8 Q And did you express that to President Trump, that he needed to be cautious,  
9 for example, with respect to Mr. Giuliani or his team?

10 A No.

11 Q Why not?

12 A I know they're close personal friends dating back decades. I didn't want  
13 to -- you know, none of us wanted -- wanted to be a -- you know, seen as attacking a  
14 personal friend of his. We instead, you know, thought about ways to, you know, get  
15 him -- get him out of, you know, the headquarters and keep him away from the President.  
16 And, you know, things were discussed such as, you know, sending him into a -- into a  
17 State to, you know, accomplish both things.

18 Q Is that ultimately how Mr. Giuliani ended up going to Pennsylvania?

19 A Yeah. He wanted to go to Pennsylvania. We didn't dissuade him from  
20 doing so.

21 Q In those days following the election, you know, starting on the 6th maybe,  
22 which is Friday, going to the 7th, and after, what did you view Mr. Giuliani's role to be?

23 A I don't -- he didn't have a role.

24 Q So I want to get into what you explained earlier, and I think you're starting to  
25 explain now, is the differences between what I'll call your team, the existing campaign

1 team, and Mr. Giuliani's team. What were the fundamental differences between the  
2 two?

3 A The fundamental differences between the two. I'll call it my team. My  
4 team was looking at numbers every single day, multiple times a day, having to the best of  
5 our ability a constant finger on the pulse of where this race stood, where he was -- where  
6 Trump was up, where Trump was down. We strove to always have a finger on the pulse  
7 of that current standing in the race. I don't think that was of a whole lot of consequence  
8 to Mayor Giuliani's team. We'll call it Mayor Giuliani's team.

9 Our team looked at the numbers and, you know, were concerned with each  
10 passing day about Trump's prospects for victory. I don't think Mayor Giuliani's team had  
11 that same, you know, belief. And, you know, we -- I think probably the biggest  
12 fundamental difference is, I mean, maybe Mayor Giuliani and his team believed they were  
13 telling the truth when they spoke to President Trump. I know that me and my team  
14 were telling President Trump the truth when we told him where we thought the race was  
15 and what his prospects were.

16 Q And we're going to get into a meeting about that in just a moment. But  
17 when claims of fraud would come in through the tip line that the campaign had  
18 established or even if they had ever been referred by Mr. Giuliani or his team or the  
19 things he was saying, was there a group of people in the existing campaign framework  
20 who looked into that and tried to verify or debunk these claims of fraud that were coming  
21 up?

22 A Yes.

23 Q Who was on that team?

24 A That would have been the legal operation that Justin Clark oversaw.

25 Q And do you know the name Zach Parkinson, for example?

1           A    Yes.

2           Q    Was he on that team?

3           A    No, he was -- he was in the research department.  You know, by that point  
4   in time -- and I believe these -- I don't believe these people were -- I believe these lawyers  
5   in States were already in place.  And going back to a previous conversation, this is not  
6   extraordinary for a campaign to have representation in a State.  You know, as an  
7   allegation or a report would come in, you know, that would be, you know, spit out to the  
8   local, you know, lawyer in a State to look into and get back to us -- to investigate and get  
9   back to us.  That was the process.

10           I think you mentioned Parkinson.  He was part of the communications team.  
11   He was a researcher on the communications team.

12           Q    You said that you were very confident that you were telling the President the  
13   truth in your dealings with the President.  And had your team been able to verify any of  
14   these allegations of fraud, would you have reported those to the President?

15           A    Sure.

16           Q    Did you ever have to report that --

17           A    One of my frustrations would be that, you know, people would throw out,  
18   you know, these reports, these allegations, these things that they heard or saw in a State,  
19   and they'd tell President Trump.  And, you know, it would be the campaign's job to track  
20   down the information, the facts.  And, you know, President Trump, you know -- if  
21   someone's saying, hey, you know, all these votes aren't counted or were miscounted, you  
22   know, if you're down in a State like Arizona, you liked hearing that.  It would be our job  
23   to track it down and come up dry because the allegation didn't prove to be true.  And  
24   we'd have to, you know, relay the news that, yeah, that tip that someone told you about  
25   those votes or that fraud or, you know, nothing came of it.

1           That would be our job as, you know, the truth telling squad and, you know,  
2           not -- not a fun job to be, you know, much -- it's an easier job to be telling the President  
3           about, you know, wild allegations.   It's a harder job to be telling him on the back end  
4           that, yeah, that wasn't true.

5           Q    How did he react to those types of conversations where you tell him that an  
6           allegation or another wasn't true?

7           A    He was -- he had -- usually he had pretty clear eyes.   Like, he understood,  
8           you know -- you know, we told him where we thought the race was, and I think he was  
9           pretty realistic with our viewpoint, in agreement with our viewpoint of kind of the  
10          forecast and the uphill climb we thought he had.

11          Q    So from a numbers perspective, you're saying that he understood that the  
12          numbers were not in his favor?

13          A    Yes.   I think you referenced -- you know, we had a meeting where we, you  
14          know, a group of us were enlisted to go tell him exactly that, and we relayed where we  
15          thought the race was.   It wasn't a favorable position for him, and he reacted with, you  
16          know, clear eyes and understood it.

17          Q    So you mentioned a meeting that you had with him.   Was that also on  
18          November 6th, to the best of your recollection?

19          A    November 7th.   This was after the race was called.

20          Q    Okay.   Did you have a meeting with the President before, the day before,  
21          including you, Jared Kushner, Mr. Meadows, Matt Oczkowski, a data guy?   What was  
22          that meeting that happened on the 6th?

23          A    That was -- Jared had suggested that Matt and -- you know, anytime we  
24          could present the President with -- especially at that point, with, you know, real analysis  
25          of where we thought the race stood, I certainly invited that.   Jared had the idea for Matt



1 Oczkowski to share with the President his view of the race and where it stood.

2 Q And did Matt Oczkowski do that?

3 A He did. And I'm not sure if it was over the phone or in person. I think it  
4 may have been over the phone, if I recall.

5 Q What was the message that was communicated to the President in that  
6 meeting?

7 A That he still had a chance, you know, and numbers were still being counted.  
8 You know, he laid out, as I recall, some of the narrow pathways that existed, that still  
9 existed. And they were, you know, admittedly more narrow on Friday, the 6th, than  
10 they were the day after election day. But I think Jared wanted to, you know -- there  
11 were a lot of thoughts being thrown at the President. I think Jared wanted some  
12 numbers, a numbers-based conversation with President Trump, and that's when --

13 Q Do you know why he wanted a numbers-based conversation with the  
14 President?

15 A I don't. You know, I like to think that Jared wanted, you know, the  
16 President to be seeing what we were seeing on the campaign.

17 Q Which was?

18 A Well, which was, you know, a pathway that still existed but a pathway that  
19 was growing nowhere. I mean, he doesn't necessarily want to -- I think more than  
20 anything Jared wanted the President to see that the campaign was doing smart analysis  
21 every day, you know, the campaign was undertaking, you know, really thorough analysis  
22 and really had the operation together to really have a finger on the pulse of the race.  
23 You know, contrasting with a lot of the conversations that people were having with  
24 President Trump about what they thought or what they guessed or, you know, their belief  
25 system, you know, we were -- we were looking at cold hard data, and I think Jared

1 wanted to make sure the President knew that, you know, we were on top of that.

2 Q So it's been reported that this meeting was relatively kind of pessimistic in  
3 tone, meaning the advisors who were talking to the President didn't see a real path  
4 forward. While there might be a narrow one, it wasn't a real one. Is that accurate?

5 A Talking about a meeting on November 6th?

6 Q Correct. With the data person, Matt Oczkowski.

7 A That, based on what I knew the numbers to be at that point in time, yeah, I  
8 referenced a narrowing pathway. That would be consistent with my recollection.

9 Q And how did the President take the message that there was a narrowing  
10 pathway?

11 A I don't recall his reaction to that meeting, honestly.

12 Q Did he seem upset, frustrated, happy?

13 A I don't recall. Don't recall.

14 Mr. [REDACTED]. Do you have any questions about that meeting? Anybody online  
15 have any questions?

16 Mr. [REDACTED]. Was Mr. Giuliani present for the meeting on November 6th?

17 Mr. Stepien. Don't believe so. I don't believe so.

18 Mr. [REDACTED]. Was he -- did he join over the phone?

19 Mr. Stepien. I don't believe so.

20 BY MR. [REDACTED]

21 Q It sounds to me, Mr. Stepien, that you're not sure that there was an  
22 in-person meeting on the 6th. Am I wrong about that? You're remembering a meeting  
23 that you indicated initially that was on Saturday, the 7th, after the race had been called.  
24 Was there another in-person meeting before that or not?

25 A I recall a conversation, again, I think -- I recall a meeting, I believe, with Matt

1 Oczkowski via telephone.

2 Q Okay.

3 A Again, those days are a little jumbled. I can't place the exact date of when  
4 that Oczkowski meeting occurred.

5 Q I see. Okay. And you're not sure if that was -- you do remember that  
6 being a telephone conversation, not a face-to-face meeting, or at least Mr. Oczkowski's  
7 participation was by phone?

8 A Participation was by phone. And I'm just -- again, I'm struggling to -- I'm  
9 struggling to starting to place that meeting, whether it occurred after or before election  
10 day, honestly.

11 Q Okay. I understand. But it sounds like there is a face-to-face meeting  
12 with you and the President and a few others that you testified before happened on  
13 Saturday, the 7th, after the race was called. Is that right?

14 A Correct.

15 Q I think that's where Mr. [REDACTED] --

16 Mr. [REDACTED]. Go ahead.

17 [REDACTED] No, no. You go ahead.

18 BY MR. [REDACTED]:

19 Q Before we get to that meeting, though, in the morning of the 7th, I  
20 understand you participated in a donor call. Is that the one we talked about earlier with  
21 your outline and your bullet points that we looked at?

22 A I recall that to be a grassroots supporter call, not a donor call.

23 Q I'm sorry. I don't mean to mischaracterize it. A grassroots call. You did  
24 say that before, Mr. Stepien. And we've gone over that.

25 So that happened before the meeting at the White House with the President on

1 November the 7th. Is that right?

2 A Yeah. The sequence of that day was grassroots call in the morning; AP call,  
3 I believe, late morning; and then a group of us met with President Trump early afternoon.

4 Q And did the group of you that met with President Trump that afternoon also  
5 meet at headquarters that morning?

6 A Yes, a larger group, including that group.

7 Q Who was in the group that met at headquarters that morning?

8 Mr. Marino. We're talking about 11/7?

9 Mr. [REDACTED]. That's correct.

10 BY MR. [REDACTED]:

11 Q November the 7th, who was in that group?

12 A I'll start with the group that went to the White House, because it was also  
13 part of the larger group. That consisted of myself, Justin Clark, Dave Bossie, Eric  
14 Herschmann, and I believe that was the group. The larger group at headquarters  
15 consisted of the aforementioned group, plus Jared Kushner, Eric Trump, Hope Hicks, Dan  
16 Scavino. I think that was the group.

17 Q All right. And Jason Miller, did he participate?

18 A Actually, Jason Miller was at both -- in both groups, yes.

19 Q This meeting that took place at headquarters, did it happen after the AP  
20 called the race for now President Biden?

21 A I think it actually happened -- the AP call happened like right in the middle of  
22 the meeting.

23 Q What was that meeting called for in the first place?

24 A I mean, that was kind of -- that group -- no -- involved people who had been  
25 around President Trump a lot longer than me, plus family. You know, purpose of that

1 meeting -- and I'm not sure who called it -- but I think it was to have a, you know,  
2 heart-to-heart conversation about where the race was and what to do about it.

3 Q How did the conversation start? Who started it?

4 A I don't recall who started it. I don't recall how it started. You know, I  
5 recall, you know, some -- you know, it was a very honest and realistic conversation.

6 Q Tell us about it. Tell us about what was said in that conversation.

7 A You know, we did -- we saw a worsening outlook. We did not see a very  
8 optimistic pathway, you know, based on the numbers that we had analyzed every single  
9 day, every single -- you know, multiple times a day that week. You know, and -- you  
10 know, I think there was a -- you know, I don't think people had a real clear conclusion as  
11 to what to do, you know. Do you advise him to keep on going? You know, do you  
12 advise him to concede?

13 You know, there was a discussion -- you know, I recall Hope Hicks, you know,  
14 discussed, you know, legacy. You know, we should be trying to preserve his legacy at  
15 this point. And in the middle of all those conversations, you know, the AP called the  
16 race.

17 Q You're talking about legacy -- or Hope Hicks is talking about legacy. I mean,  
18 the import there, one interpretation could be, this race is over, let's focus on the good  
19 things. Is that fair?

20 A Yes.

21 Q Did somebody say that, you know, the President needs to know this is over,  
22 or words to that effect, that finality?

23 A I'm not sure we arrived there ourselves. The AP in the middle of the  
24 conversation called the race. And, you know, a group of us were -- it was suggested that  
25 a small group of us, you know, go over and tell President Trump exactly what the AP call

1       meant; tell him, you know, where he could go from here, and tell him what chances, you  
2       know, we all thought he would have at success at winning the election at this point.

3               Q     Did Jared Kushner ask you to do that?

4               A     Yes.

5               Q     What was his view on the state of the election at that point?

6               A     I don't recall.

7               Q     What was your view on the state of the election at that point?

8               A     You know, very, very, very bleak.   You know, I -- we told him -- the group  
9       that went over there outlined, you know, my belief and chances for success at this point.  
10      And then we pegged it at, you know, 5, maybe 10 percent based on recounts that  
11      were -- that, you know, either were automatically initiated or could be -- could be  
12      initiated based on, you know, realistic legal challenges, not all the legal challenges that  
13      eventually were pursued.   But, you know, it was -- you know, my belief is that it was a  
14      very, very -- 5 to 10 percent is not a very good optimistic outlook.

15              Q     Did anybody who participated in a meeting at headquarters that day have a  
16      different view than you, that it was very bleak?

17              A     So the group knew -- the larger group knew what the smaller group intended  
18      to say, and there was no disagreement about our message, heard from the larger group.

19              Q     And just to be clear, could you be very specific about what the smaller group  
20      intended to tell the President that day?

21              A     AP has called the race.   I think he was golfing early that afternoon, so I'm  
22      not sure he actually -- I'm not sure he actually saw the news.   Maybe he saw -- but he  
23      saw it when he got back, I assume, to the clubhouse or his car.   So, A, you know, inform  
24      him that the AP's called the race.   And, B, to tell him, you know, what he thought he  
25      could do.

1           And, you know, specifically, you know, Arizona was very, very close. Georgia was  
2           very, very close. And I don't know at this point the ins and outs of automatic recounts  
3           being triggered or not or if all recounts could be requested. I forget the exact rationale  
4           for each in each State. But the election was razor thin at that point in time in both  
5           States. So, you know, our belief was that, you know, recounts could be pursued in those  
6           two States.

7           And in Wisconsin, you know, we believed that there was a serious and realistic  
8           legal challenge regarding absentee ballots or vote-by-mail ballots, who received them and  
9           what instructions were provided.

10          Sorry about that. That's my phone -- or my watch. Sorry about that.

11          Q     What was the bottom line, though? I mean, you know, when you --

12          A     So the bottom line was, we told him there's a 5 to 10 percent chance of all  
13               this happening. You can't go two for three, you can't go one for three. You need to  
14               win recounts in two States and win a legal challenge in Wisconsin. That has to happen.  
15               Three for three. And we think realistically there's a 5, maybe 10 percent chance of that  
16               happening.

17               He had to break. He had a -- some ceremony or some official thing to do. So  
18               he actually, you know, left the conversation and came back. And the four or five of us in  
19               the room who were left, you know, we told him 5 to 10 percent, you know, before he left.  
20               We said, hey, listen, when he comes back, let's make sure we tell him again early on in  
21               the conversation 5 to 10 percent. We wanted to make sure he heard 5 to 10 percent,  
22               because that was very -- we didn't want him to think -- we didn't want to sugarcoat  
23               anything for him. We didn't want him to mishear anything we said. We wanted to  
24               make sure he heard 5 to 10 percent. That chance for success was that slim for all three  
25               things to happen.

1 Q And did you reemphasize that or make that point when the President  
2 returned to the Oval Office that day?

3 A Yes. Yes.

4 Q What was his reaction?

5 A He had a very clear-eyed view of -- of all of that. His reaction was -- my  
6 words, not his -- let's give it a shot, let's do our best. It was -- it was -- it was very much  
7 in that vein. Let's give it a shot, let's do our best, and let's see what happens. That was  
8 his reaction to it. He wasn't angry. He wasn't angry. He didn't disagree. He, you  
9 know, heard what we said. He heard the pathway that existed. He heard the chances  
10 for success on that pathway being at 5, maybe 10 percent, and he reacted in a let's give it  
11 a shot, let's do the best we can type of attitude.

12 Q Did he raise any claims of fraud or irregularities during that conversation?

13 A He may have. I don't recall. I don't recall that. He was very much  
14 receiving information that day.

15 Q You mentioned that earlier the group had discussed or the idea had come up  
16 about conceding -- or the President potentially conceding. What was that conversation  
17 like before you went to the White House on the 7th?

18 A You know, I specifically recall Hope Hicks talking about that.

19 Q She thought he should concede?

20 A Yeah. She was -- concede is my word. She expressed a lot of concern  
21 about the longer this wore on, the more, you know -- you know, impact it would have on  
22 his legacy. And she was very, very concerned about that. I don't know at what point  
23 the race was called. And then, you know, all conversations changed to what do we do  
24 next and became focused on that.

25 Q Did you recommend to the group that the President should consider



1 conceding?

2 A No. I think -- I think the group's thought -- I don't want to speak for the  
3 group -- but we -- we went to the White House to talk about what I believed and still  
4 believe to have been realistic pathways. Recounts are not uncommon. Recounts  
5 happen all the time. They're, you know -- they're process-driven. They're, you know,  
6 again, not something extraordinary that happens in an election. I thought it made sense  
7 to pursue recounts in those two States where the margin was so, so, so close.

8 And then, you know, there was a belief that there was real serious grounds for,  
9 you know, success on the legal challenge in Wisconsin on that one issue of, you know, the  
10 vote-by-mail ballots.

11 Q Did anybody recommend in the meeting in the Oval Office that the President  
12 consider conceding?

13 A I don't recall that.

14 Q Did you?

15 A No.

16 Q Why not?

17 A The race hadn't been called yet.

18 Q It had though, right?

19 A In the Oval Office? On what day are we talking here?

1

2 [3:21 p.m.]

3 BY MR. [REDACTED]:

4 Q We're talking November the 7th, the meeting in the Oval Office.

5 A It was not in the Oval Office. That meeting was in the residence.

6 Q I'm sorry. In the residence. Okay.

7 Are we talking about two different meetings?

8 A I'm not. I'm talking about one meeting in the residence on November 7th.

9 Q Okay. Very good. I appreciate you clarifying that.

10 So that meeting that you're talking about where the smaller group went over to  
11 the White House to talk about the President's chances being 5 to 10 percent, that all  
12 happened in the residence, you're saying.

13 A Correct.

14 Mr. [REDACTED]. Understood. Thank you for that.

15 I'm going to turn to my colleagues and see if they have any questions.

16 BY MR. [REDACTED]:

17 Q Just picking up on that, was there any discussion in the meeting at the  
18 residence, Mr. Stepien, about the legacy issue, the concern that Ms. Hope -- that Ms.  
19 Hicks had raised about the possible negative impact of a continual fight on his long-term  
20 viability or his sort of place in history?

21 A There was no such discussion.

22 Q It sounds like that discussion did take place with you and others at the  
23 headquarters. Ms. Hope -- Ms. Hicks expressed that, but that part of the conversation  
24 didn't -- was not conveyed to the President, that concern wasn't conveyed to the  
25 President.

1           A    That is correct.

2           Q    Okay.  And in the residence, you indicated -- I just want to make sure we  
3   have the names right -- it was you, Jason Miller, Eric Herschmann, Justin Clark, and Jared  
4   Kushner?  Is that right.  It was the five of you?

5           A    No.

6           Q    Mr. Kushner wasn't there?

7           A    No.  No Kushner.  Did you say Jason Miller?

8           Q    Yes.

9           A    Okay.  Miller, Bossie.  You missed Bossie.

10          Q    Sorry.  Got it.  Bossie, Clark, Miller, Stepien, it was the four of you -- and  
11   Herschmann.

12          A    And Herschmann.

13          Q    Five.  I see.  All right.  And fair to say, Mr. Stepien, that all five of you sort  
14   of were in a consistent place, were conveying a consistent message as to the -- a handicap  
15   being the way forward for the President at that meeting on the 7th?

16          A    Yes.

17          Q    No one was saying, "No, it's actually 25 percent or actually it's 50/50."  All  
18   of you were in the same place?

19          A    Correct.

20          Q    All right.  And I think you indicated that the three pathways that you  
21   articulated to him were recounts in Arizona and Georgia and a legal challenge in  
22   Wisconsin.  Is that right?

23          A    That's correct.

24          Q    Does that mean, Mr. Stepien, in your mind, that the other close  
25   battleground States, in your mind, the battle's over there, in Pennsylvania, in Michigan, in

1 New Mexico, that there was no real hope in any of those States those results being  
2 reversed or a recount mattering in any way?

3 A I thought those three States had -- were the best chances for success.

4 Mr. Marino. Which three States?

5 Mr. Stepien. Arizona, Georgia, and Wisconsin.

6 And all -- and just to be clear, all three outlooks or all three pathways that we  
7 thought success might be possible, those were all grounded in seriousness and truth.

8 A recount in an election, as I think you guys know, is not an extraordinary  
9 measure, happens all the time. And, again, I'm not a lawyer. You guys all are. But I  
10 was told that the concern and the challenge in Wisconsin was a real serious case that  
11 folks believed we actually thought we would win.

12 I know there were a lot of legal pursuits that followed later. I think it's important  
13 just to separate Wisconsin versus some of the other pursuits that occurred later.

14 Q Yeah. Now you're exactly anticipating my question. It sounds like you,  
15 based on your campaign's sober analysis of the numbers, really had sort of narrowed the  
16 pathway down to just these three States, not the others.

17 A Correct.

18 Q And the Georgia and Arizona, can you just speak -- I appreciate your  
19 explanation of the Wisconsin legal case. But can you just say a little bit more about why  
20 you thought the recounts in Arizona and Georgia were the ones where you thought there  
21 was at least some, albeit minimal, chance of success?

22 A Yeah, I don't know where the numbers eventually ended. I think it was the  
23 day after, you know, all the numbers are finally and eventually in.

24 But at that point in time on the 7th, you know, the numbers were at least at that  
25 point -- and I still think now -- very, very tight, very, very close.

1           So that's why we, on the grounds of that, that's why we thought those two States  
2           made the most, you know, gave him the best chance of success.

3           Q     I see.   So strictly sort of those were the States where the margin, the  
4           official margin was the narrowest as opposed to the other States?

5           A     That's correct.

6           Q     All right.   Who was the primary messenger of the five of you who was sort  
7           of conveying this explanation about these three paths to the President?

8           A     We all --

9           Mr. Marino.   Was there a primary messenger?

10          Mr. Stepien.   Yeah, we all kind of chimed in, honestly, fairly equally.   I think  
11          Mr. Bossie, I specifically recall Mr. Bossie being the one, when the President came back in  
12          the room, to be the one to, again, reemphasize 5 to 10 percent, so there was no -- no  
13          mistaking that number.   But it was, you know, it was a shared responsibility.

14          BY MR. [REDACTED]

15          Q     I see.   And I know you talked about the President's reaction as being sort of  
16          generally accepted this.   But do you remember any specific words that he used, any  
17          phrases, words, sentences that he said at any point either before he left the room or  
18          when he came back?

19          A     I think he actually said, "Let's give it a shot."

20          Q     Okay.   What was your understanding, Mr. Stepien, coming out of the  
21          meeting as to what the plan was or what your sort of marching orders were?

22          A     You know, we proposed a pathway to the candidate.   The candidate  
23          approved verbally of the pathway we proposed, and, you know, let's pursue.   So in  
24          those three States, that's exactly what we did.

25          Q     I see.   So the plan was we'll pursue recounts in Arizona and Georgia and the

1 litigation in Wisconsin. Does that mean that everything else in the other States was over,  
2 there was no plan for Pennsylvania or for Michigan or any of the other States?

3 A Not a plan that was being executed under my purview.

4 Q I see. Okay. And I think Mr. [REDACTED] will take you forward with the  
5 execution of that plan.

6 But anything else stick out about that conversation at the residence?

7 A They had really good Swedish meatballs. I recall that.

8 Q I bet the food is good at the White House.

9 A It's not bad. It's not bad.

10 Mr. [REDACTED]. Okay. That's all I have. Thank you.

11 BY MR. [REDACTED]

12 Q Just a question. And I think you probably understand the electoral math  
13 better than I do.

14 But if the President -- the President's plan with respect to Arizona, Wisconsin, and  
15 Georgia about recounts and pursuing options there, if that had worked, would it have  
16 changed the outcome of the election just from a numbers perspective?

17 A Pennsylvania. So Arizona, I think, is 11. Pennsylvania may have been in  
18 that mix. I forget. I would have to do my quick math. But --

19 Q Okay. I'm just trying to think big picture. I mean, were those three States  
20 focused -- a focus -- because of the ultimate effect it could have on Mr. Trump being  
21 declared the winner versus Mr. Biden?

22 A Yeah, I -- that was the end goal. That was the end goal.

23 Q Okay. I do want to ask you about something else that happened that day,  
24 on November 7th, which was the press conference at the Four Seasons that Mr. Giuliani  
25 and others had up in Pennsylvania.

1           Were you or did you have any role in setting that up or contributing comments or  
2           remarks for that press conference?

3           A     No.

4           Q     Did you have or did the campaign, to your knowledge -- and when I say  
5           campaign, I just want to be clear. In the post-election period, I'm talking about what's  
6           left of the campaign apparatus.

7           So did the campaign have any role in kind of vetting Mr. Giuliani's remarks that he  
8           gave at the press conference at the Four Seasons?

9           A     Not to my knowledge.

10          Q     And in that press conference, he talked about things like dead people voting  
11          and some of the other issues that we've raised already.

12          So my understanding, but I don't want to put words in your mouth, is that the  
13          campaign didn't supply the evidence to support those claims that Mr. Giuliani made. Is  
14          that right?

15          A     Correct.

16          Q     I'm going to move away from November 7th, and we're going to fast-forward  
17          a couple of days to November 9th, which was the Monday following the election being  
18          declared for Mr. Biden. I understand that there's a staff meeting, that you more or less  
19          led that staff meeting.

20          Can you explain what happened and what your message was?

21          A     Yeah, I did my best to keep morale as high as I could at that point. You  
22          know, there was still some degree of work to do internally. And did my best, not an  
23          easy task with the AP having called the race 2 days prior, to keep the staff motivated in  
24          their heads, in the game.

25          I was honest with them and said that we were going to begin a wind down of the

1 campaign. I may have said that, as part of that, "Some of you will be paid through next  
2 week. Some of you will be paid through the end of the month." But even if we had  
3 won the campaign, we'd still be having that conversation. The campaign had ended.

4 So at that point in that meeting I was kind of doing my best to do the difficult task  
5 of trying to keep people in the game and motivated but at the same time being pretty  
6 honest with them about where this was going next.

7 Q Now, it's been reported that the same day that that happened, so we're still  
8 on November the 9th, that Monday, you met with Representative Scott Perry and Jim  
9 Jordan, along with Mr. Meadows, Stephen Miller, and Ms. McEnany.

10 Do you remember that meeting?

11 A I recall Congressmen Perry and Jordan in headquarters after the election.

12 Q Did you meet with them?

13 A I recall them in headquarters. I recall having a conversation with them. I  
14 recall -- it was informal enough where I recall standing up the whole time. And so, yeah,  
15 they were in headquarters. Certainly had a conversation with them. Was not a formal  
16 conversation, though, to the extent --

17 Q What was that -- I'm sorry. What was that conversation about that you had  
18 with Representatives Perry and Jordan? And was it at the same time? Were you  
19 talking to both of them at once?

20 A Jordan and Perry?

21 Q Yes.

22 A Yes. Both in the same room. I recall it was in a small conference room at  
23 the headquarters. You know, I was just asking what they thought, what they saw. I  
24 honestly don't recall much about the meeting. I don't recall necessarily inviting them to  
25 headquarters for the meeting. But they were there, so I had a conversation with them.



1           Q    Okay.  You mentioned that they expressed what they saw, what they  
2    thought.  What did they see, and what did they think, as they told you?

3           A    Yeah, I mean, it was not a -- I don't recall inviting them to headquarters to  
4    meet with me.  I don't recall meeting with them in any sort of formal way.  I mean,  
5    honestly, they may have been there not to meet with me, because I only recall those two  
6    in the room with me, again, me standing up, and not spending too much time with them.  
7    I mean, honestly, I was more than anything just kind of shooting the breeze, being -- I'm  
8    censoring myself --

9           Q    Sure.

10          A    -- for lack of a -- to me that's what I recall that meeting being.

11          Q    Let me ask you specifically.  Do you remember them mentioning anything  
12    about fraud in the elections or that the election had been tainted, for example?

13          A    I really don't.

14          Q    Do you remember a separate meeting that you had with Mr. Meadows and  
15    Stephen Miller, Ms. McEnany that day, that Monday after the election was called?

16          A    I really don't.  And I -- you know, Ms. McEnany had worked on the  
17    campaign for a period of time before she left for the White House.  I don't recall seeing  
18    her at headquarters again after she left.  So I just can't place that meeting.  Meeting  
19    with her, meeting with that group in a more formal setting, I just -- I don't recall that.

20          Q    I'm going to ask to bring up exhibit No. 19.  And we're going to do three in a  
21    row, and then I'm going to ask you questions about it.  We'll start with 19.

22                   And this is an email from Jason Miller to you, Mr. Stepien, on November the 11th,  
23    which I believe is a Wednesday, or thereabouts.  And just to note, the time stamp at the  
24    top may be in UTC.  I'm not entirely sure.

25                   So this is either the 10th or 11th, but he's forwarding you a tweet at the bottom

1 that came from President Trump's account that said, "A brave patriot. More and more  
2 people are stepping forward to expose this rigged election."

3 Jason Miller forwards it to you and just has the words "rigged election."

4 I'd note for your awareness Representative Aguilar has rejoined us.

5 If we can go to exhibit 20. This is another email, now from you to Mr. Miller,  
6 dated November 11th, responding. And you say, "Well, we got a week."

7 Do you remember this exchange of emails?

8 A I don't, but I can guess as to -- is there a third email, by the way?

9 Q There is a third one, but I do want to stop here and -- the third one's very  
10 similar. But I'll stop here and just try to understand why you said, "Well, we got a  
11 week."

12 A Yeah. My guess at that point -- I'm just looking at my calendar -- was that I  
13 didn't believe calling the election rigged was particularly helpful. And I assume I was  
14 referring to the fact that maybe he hadn't said that in the 7 days between election day  
15 and the 10th.

16 Q Okay. Meaning you lasted a week before the rigged election language  
17 came out, and now this was going to be it. Right? Is that fair?

18 Mr. Marino. [REDACTED], can we be a little less Delphic about that? I'm not sure I  
19 understand what you're saying.

20 Mr. [REDACTED] Yeah, and maybe the next email will probably help, and we'll just go  
21 to that.

22 So exhibit 21, please. And this is an email from Jason Miller around the same  
23 time to you. It's a different tweet, though.

24 Mr. Miller's forwarding to you a tweet that says, "People will not accept this  
25 rigged election," again, using the language "rigged election." And he says, "He's all in

1 now."

2 Was that kind of the sentiment that you were also expressing in the previous  
3 email where you said, "Well, we got a week"?

4 Mr. Stepien. No. I think they're two different thoughts.

5 Mr. [REDACTED]. Okay.

6 Mr. Stepien. Mine was expressing happiness that he hadn't used language of  
7 that nature for a week, that I didn't think that was helpful at the time. And I think -- and  
8 I don't want to get into Jason Miller's head here -- but this seems to be more informative,  
9 you know. He seems to be saying that he's -- whatever he had not done for a week, he,  
10 you know --

11 Mr. Marino. Now fully committed to the idea that it was rigged.

12 Mr. Stepien. Had reversed his -- yeah, he -- yeah.

13 BY MR. [REDACTED]:

14 Q Do you agree with Mr. Marino's statement there?

15 A Yes.

16 Q Okay. Was there a sentiment at the campaign among you or others,  
17 discussions or otherwise, that this represented kind of a turning point, that it's no longer  
18 about numbers and counts and the ballots that may be there, but now it's about a focus  
19 on fraud or irregularities in the election?

20 A Yeah. So I keep looking at my just little old-fashioned block calendar.

21 So week one was the week of election day, election day being Tuesday, obviously.  
22 That was very focused on the campaign analyzing the numbers, providing analysis of the  
23 data.

24 You know, AP calls the race on that Saturday. Things started to -- once the AP  
25 called the race, I'm not saying that this email or this exchange is the marker that you may

1 have said -- or maybe you didn't, I'm not sure. But this week, things started to change  
2 to a focus on the legal challenge. Week one, data, numbers, analysis. Week two, the  
3 legal side.

4 And kind of my focus, as well, started to change from being very involved in that  
5 first week on the data side to being a lot less involved on the legal side, because it's just  
6 not something I know or do.

7 Q Bear with me just a moment. I'll see if any of my colleagues have any  
8 questions on what we've just covered.

9 BY MR. [REDACTED];

10 Q Sure. So the language, "Well, we got a week," to me at least perhaps  
11 implies a prior understanding that President Trump might make these kinds of claims. Is  
12 that a fair interpretation of the email?

13 A Not necessarily. I can't recall if I did, but I can't -- so I don't know if Jason  
14 had had a conversation with President Trump where he said, "Hey, talking about a rigged  
15 election isn't necessarily helpful right now." I don't know if that conversation occurred  
16 or not. Based on my response, that may have happened. So -- and I forgot your  
17 question, but I did my best to answer.

18 Q That was very helpful.

19 Did you ever have a conversation with the President and express that he shouldn't  
20 say things like the election was rigged?

21 A I don't recall if I did. I don't recall if I did. But Jason spoke to President  
22 Trump most mornings and kind of relayed what the day was going to be. And he often  
23 used that time to provide guidance potentially on matters like this. "Hey, sir, it would  
24 be -- it's not helpful to be using X, Y, or Z in your social media or in your remarks."

25 That would have been the time when it occurred. I don't recall me specifically

1 having a conversation with President Trump about this, though.

2 Q Had Mr. Miller ever expressed to you that he thought President Trump  
3 shouldn't use language like "rigged election"?

4 A I don't recall specifically, but I would not deny that that happened if it did.

5 Q Okay. Other than you or Jason Miller, do you recall or do you know of  
6 anyone conveying that same sentiment to the President during this time?

7 A It would have been likely portions of that group that saw him on November  
8 7th, perhaps Eric Herschmann, probably not David Bossie because I'm not sure what their  
9 communication was at that point in time in terms of frequency. You know, Justin Clark  
10 was kind of, as my communication diminished, he was talking more and more to lawyers.  
11 So Justin may have had conversations with him. That's what I think about that.

12 Q And on your part or in your understanding on the part of any of the people  
13 that you referenced, what was the concern about President Trump using this language?

14 A We were just looking for time and space to allow processes like recounts and  
15 then the Wisconsin legal challenge to occur kind of unencumbered with rhetoric and  
16 words like this.

17 Q And how would these words have encumbered those efforts?

18 A Well, I mean, there's a legal and structured process for these things to occur,  
19 recounts and legal challenges. You know, my belief was that if there was a pathway via  
20 recount let's let that occur naturally without outside pressures on those processes.

21 Mr. [REDACTED]. Thank you.

22 BY MR. [REDACTED]:

23 Q All right. If we can pull up exhibit number 23, please. This is an email.  
24 It's two emails actually.

25 The first is from Alex Cannon to you and Faith McPherson. And then you

1 forward that email on to Mark Meadows, Justin Clark, and Jason Miller. The subject  
2 being, "AZ Federal ID Voters?"

3 If you look at the original email there it says, "Bill, we completed the AZ analysis  
4 you requested." I assume that's about Arizona. And, "Because of the substantial  
5 uncertainty surrounding the databases, this is a highly unreliable way to identify ineligible  
6 voters."

7 Can you explain the task that you gave to Ms. Cannon for this Arizona analysis?

8 A Sure. Previously I described some of my frustration with some of the  
9 claims that people would throw at President Trump regarding, you know, you need to  
10 look at this, this happened in this State, or that happened in that State. And it would be  
11 those would flow to us to look into. I had talked about that before, I think.

12 Q Yeah.

13 A You know, this is an example of that. I recall in Arizona someone had  
14 thrown out, I believe this to be the claim, that there were thousands of illegal citizens,  
15 people not eligible to vote, having cast their ballots in Arizona. Someone had thrown  
16 out that claim to President Trump. And with the margins being as close as they were, as  
17 I previously described, that could potentially matter.

18 So this wild claim is thrown out which on its face didn't seem realistic or possible  
19 to me. I asked Alex to look at the claim.

20 And I haven't read this full email, but I recall the response to that. The reality of  
21 that was not illegal citizens voting in the election. I think it was, like, overseas voters  
22 voting in the election, so, obviously people who were eligible to vote.

23 I'm not sure if this is exactly that, but it seems like it may have been, I do recall,  
24 with Arizona.

25 Q But this is an example of a claim that somebody made you looked into or

1 had somebody look into to run it to the ground. Is that fair?

2 A Yeah, and do so in a very methodical, sensible way, to run an analysis and  
3 actually come back with facts, you know. Claims were thrown out. We came back  
4 with facts. That's what was happening at this point.

5 And I had mentioned before, I think, where the guys who came -- people were  
6 telling the President, "Good news. Hey, in Arizona there are all these votes that  
7 shouldn't have been cast. That's going to help you." We would come out back on the  
8 back end and say, "Hey, that's not true. Here are the facts." We were kind of the -- we  
9 were suppliers of bad news in instance after instance after instance.

10 And I think the President, it was during the second week where things like you  
11 displayed were occurring where he was growing increasingly unhappy with his team, me  
12 less so because I was less involved at this point, but still me, growing increasingly  
13 unhappy with Justin Clark.

14 And that kind of paved the way for Justin to be moved out and Mayor Giuliani to  
15 be moved in as the person in charge of the legal side of the campaign and, for all intents  
16 and purposes, the campaign at that point.

17 Q So on this exhibit, exhibit 23, you then forwarded these findings to  
18 Mr. Meadows, Mr. Clark, and Mr. Miller.

19 Why did you forward these finding to Mr. Meadows in particular?

20 A I recall Meadows was perhaps the person who was the input on this  
21 particular claim.

22 Q In other words, he sent the claim to you to run down with your team.

23 A He relayed the claim in the meeting with President Trump that he had  
24 received from someone or somewhere. And that then came to us to run down, hence  
25 why I forwarded this to Meadows.

1 Q Did you have a conversation with Mr. Meadows about this after you sent it  
2 along?

3 A I don't recall.

4 Q What was his general view of these claims of fraud that were being made,  
5 particularly after you run them down and determine there's nothing there?

6 A I didn't have a lot of interaction with Mark by that point in time. You know,  
7 he was at headquarters from time to time. You know, probably I can count on one hand  
8 the number of times he kind of came over. And this is September, October. Was  
9 asking questions about where. He was particularly close with the House. So he asked  
10 a lot of questions about House districts. But I didn't really have a lot of post-election  
11 interactions with Mr. Meadows.

12 Q We can go to exhibit 26. This is a document that you provided,  
13 Mr. Stepien, starting at Bates number 17.

14 And this is -- it starts with an email from Justin Clark to Chip Borman, you, Rudy  
15 Giuliani, Matt Morgan, Jason Miller, Stefan Passantino, Boris Epshteyn. And it talks  
16 about an engagement letter related to election litigation. You said -- or, excuse me,  
17 Mr. Clark says, "Chip, see below."

18 Who's Chip Borman?

19 A No idea.

20 Q Do you know anything about this email or the purpose of this email?

21 A Can you scroll down so I can see more of it?

22 Q Yep. The second page starts with an attachment which says, "2020  
23 EDO/Recount Binder." And it starts with Georgia, I believe.

24 A So I think -- I was not directly involved in this, obviously. This is a  
25 conversation among lawyers that I was just kind of FYI'ed on. This is -- so this is -- is this



1 on the 17th?

2 Q This is on November 17th. That's correct. And it says it's a referral from  
3 Mark Meadows.

4 A So on the 13th, I think that was the day when Clark was replaced by Giuliani,  
5 for most intents and purposes, for all intents and purposes, I'd say. I was kind of  
6 replaced as well.

7 This is -- I believe this is Justin passing along information, that the attachment, I  
8 think, was an RNC document, providing outlines, I think, on the election, the operation  
9 structure in the State. I think my read of this is Justin kind of handing off information to  
10 the new team.

11 Q Okay.

12 A Updating him on the audit ending later today. Here's a document you  
13 might, you know, would find helpful. You know, handoff is occurring. Here you go.  
14 You can see he's saying let us know if you need anything else moving forward. To me  
15 this is -- my read of this is the previous Friday Justin's out. Rudy's in. This is Justin  
16 handing off this to the new team.

17 Q Do you remember doing anything to follow up on this litigation, finding  
18 somebody, anything like that? No? All right.

19 If we can go to exhibit 27, please. This is a text message that you sent to Mark  
20 Meadows. Let me confirm that. Is that your number ending in 6865?

21 A It is.

22 Q Okay. You sent this to Mark Meadows on 11/16 at 3:26, and the message  
23 says, "What do you think about setting up a call with you, me, Alex Cannon, Nick Trainer,  
24 J. Clark to run through our data plan and its intersection with the Legal?"

25 Do you remember sending this message?

1           A    I don't. But what was the date of the Arizona email from Alex Cannon? Is  
2   that the 17th? What was the date of the Alex Cannon message?

3           Q    That was November the 13th.

4           A    Okay. I think part of this was related to that conceptual -- you know, what  
5   am I trying to say here? I'm trying to say we have a data operation on the campaign.  
6   The campaign has a data operation. It's being called upon in times and places like this  
7   Arizona issue. I think you should understand what that operation is so you can better be  
8   guided by and its resources.

9           I think this is me trying to fill in gaps for Mark as to what the campaign had at its  
10   disposal in its data operation.

11          Q    Okay. If we can go to exhibit No. 28, please. And I'll set it up by saying  
12   this. Around this time the campaign started pushing out -- and when I say "campaign,"  
13   I'm referring now to the legal team as well -- messaging about Dominion voting machines.

14          Do you remember the issue of Dominion voting machines coming up after the  
15   election?

16          A    Yes.

17          Q    So what we're looking at here in 28 is an email from Jason Miller to you,  
18   David Bossie, Justin Clark, Jared Kushner, and Mr. Meadows on November the 14th  
19   talking about a surrogate briefing where it looks like Mr. Miller's highlighting a call and  
20   says that, "Messaging from the Mayor was to call the Democrats crooks and to go hard on  
21   Dominion/Smartmatic, bringing up Chavez and Maduro," and a few other things.

22          Ultimately, Mr. Miller says, "We got back to normal with the President's push to  
23   argue equal protection and ballot observers kept out."

24          So, how do you remember the issue of Dominion voting machines first coming up?

25          A    I associate Sidney Powell with Dominion voting machines and Mike Lindell

1 with Dominion voting machines. You know, I never did any hard analysis on the  
2 machines or where they were or what sort of impact they could have had.

3 Q Do you remember the campaign or the researchers with the campaign  
4 looking into claims related to Dominion voting machines?

5 A That probably happened. The campaign had a full research team. I think  
6 it would not surprise me if the research team was asked to look into Dominion, their  
7 background, their funders, their founders, how they operate, where they operate. That  
8 wouldn't surprise me.

9 Q Do you remember ever communicating results of the campaign's findings  
10 related to Dominion voting machines to the President?

11 A No, I do not remember that. I did not.

12 Q One of the places the Dominion voting machines issue came up was at an  
13 RNC press conference with Sidney Powell on or about November the 19th. I may be  
14 wrong on that date. But sometime --

15 A Can I interrupt you there? Sorry.

16 Q Yes, sure.

17 A Do you mind going back to that email?

18 Q Of course.

19 A Sorry.

20 Q That's exhibit 28, just for the record.

21 A Thanks. Just to give context to what was happening at this point in time.

22 So this is the 14th. This is the day after I had previously mentioned that Mayor  
23 Giuliani was put in charge. He -- you know, apparently Rudy had called a surrogate  
24 briefing the day after he was put in charge. You know, he -- his messaging is, obviously,  
25 as you see it, very different from the messaging that we had previously been discussing.

1 And you see the last line about more lawsuits coming next week: "The mayor also said  
2 more lawsuits are coming next week."

3 I just think it's important context to show that Mayor Giuliani very quickly took  
4 charge from just the previous day and was calling conference calls, was talking about  
5 lawsuits and legal strategies, throwing out these claims, kind of very much a different  
6 before and after from when Justin was the lead legal authority and, previous to that,  
7 when I was in charge of the campaign.

8 Q And just to be clear, so you think this is, this email, this exhibit is an example  
9 that shows the divergent paths of where the campaign had been and where it was going  
10 now with Mr. Giuliani? Is that fair?

11 A Yes.

12 Q Okay. So on November 19th, Mr. Giuliani and Ms. Ellis and Sidney Powell  
13 did have a press conference at the RNC. Do you remember that press conference?

14 A I do.

15 Q Did you go to that?

16 A I did not go to that.

17 Q Whose idea was it?

18 A Mayor Giuliani's.

19 Q And did you or your team on the campaign, again recognizing kind of the  
20 legal team distinction with Mr. Giuliani and what I'm calling your team in the campaign,  
21 did you your team have any role in organizing it?

22 A No.

23 Q Did your team have any role preparing for it?

24 A No. I recalled -- I was -- I was -- I recalled watching that press conference  
25 from my office in the headquarters. Yeah, did not -- did not propose the press

1 conference, did not have a hand in preparation, none of it.

2 Q Did the campaign team, your team, have any role in providing evidence to  
3 support the claims that Mr. Giuliani and Ms. Powell were making at the RNC press  
4 conference?

5 A My team?

6 Q Correct.

7 A No.

8 Q Did you know in advance that Ms. Powell was going to be talking about  
9 Dominion voting machines and some of the other claims that she was making?

10 A No.

11 Q Now, we understand from witnesses that after this press conference Ms.  
12 Powell was asked to provide evidence to support her claims and she did not.

13 Do you know anything about that?

14 A I don't.

15 Q Do you know whether the President asked her to provide evidence to  
16 support her claims?

17 A I do not.

18 Q All right. And if we can go to exhibit number 30. This is an email from  
19 Mark Meadows to you on November the 22nd, attaching an image. And all it says is,  
20 "This was just sent to me." Mr. Meadows says that.

21 And if you go to page 2, it's the image of a campaign statement, November 22nd,  
22 that says, "Sidney Powell is practicing law on her own. She is not a member of the  
23 Trump legal team. She is also not a lawyer for the President in his personal capacity."

24 And that is what I assume to be signed by Rudy Giuliani, attorney for the  
25 President, as well as Jenna Ellis.

1 Did you have any role in this statement about Sidney Powell?

2 A No.

3 Q Do you know anything about why this happened?

4 A I do not.

5 Q So you don't know if this statement and Ms. Powell's what I'll call firing or  
6 distancing from the legal team was a result of what she said on November 19th at the  
7 RNC press conference?

8 A I do not know.

9 Q Okay.

10 A I mean, I would note -- I would note I was -- at this point I was in campaign  
11 shutdown mode, doing all the things that you do when a campaign was ending. My  
12 interactions with President Trump by this point are dwindling.

13 Did we share this? I mean, I went back and looked at the phone calls I had with  
14 President Trump the day after election day and the days that followed. I was very much,  
15 you know -- I mentioned I was watching the press conference on TV because I was  
16 learning things as they were happening on TV. You know, really wasn't -- not really  
17 wasn't, wasn't at all involved in really any of these proceedings.

18 And it was almost like a TV show to me. I was watching it like a TV viewer would  
19 at home at that point in the campaign.

20 Q Do you remember when your last day at the campaign showing up to work  
21 in headquarters was?

22 A I remember I -- November 24, I went back to New Jersey until December 7,  
23 so those almost two full weeks.

24 I spent that week, the week of December 7, in D.C., largely to prepare for my  
25 move out of my apartment in D.C., which occurred on December 12.

1           And I think I was -- and I didn't spend much time at headquarters that week, if at  
2 all, honestly. I think I stopped in to get my stuff. And I was -- I think I was officially -- I  
3 was out of D.C. on December 12. So --

4           Q    When did --

5           A    Go ahead.

6           Q    When did you stop getting paid by the campaign, as an employee of the  
7 campaign?

8           A    I last invoiced the Trump campaign on November 1st and didn't invoice at  
9 any point after that.

10          Q    You weren't receiving a salary or anything else that continued to a certain  
11 date?

12          A    No. I was paid monthly as a consultant just like -- I was paid as a consultant  
13 before I was the campaign manager and I just continued that arrangement after. And  
14 November 1st was my last invoice.

15          Q    Can we go to exhibit 41, please? I believe this is the call log you were just  
16 talking about. And it does show certainly a decreased amount of activity, I think is a fair  
17 way to put it, after the 13th.

18                But there is one call that shows up on December the 5th that you had with the  
19 President. What was that call?

20          Mr. Marino. I'm sorry, [REDACTED] Which exhibit number?

21          Mr. [REDACTED]. This is exhibit No. 41, the call log that you provided.

22          Mr. Marino. Okay.

23          Mr. [REDACTED]. Or the call frequency log, I should say.

24          Mr. Stepien. I recall the two conversations in January, but I do not recall the  
25 December 5th conversation. I can't place it at all.

- 1           Mr. [REDACTED].   Okay.   All right.   So I want to shift gears a little bit but still talk --
- 2           Mr. Marino.   Okay.   And before we shift gears, it's now after 4.   Can you give
- 3   me a -- we need to take a break, but can you give me a read on how much more we have.
- 4           Mr. [REDACTED].   Sure.   Let's do a break.   Let's go off the record.
- 5           [Recess.]



1

2 Mr. [REDACTED]. Let's go back on the record. It's 4:32, and we're resuming the  
3 transcribed interview of Mr. Bill Stepien.

4

BY MR. [REDACTED]:

5

Q So, Mr. Stepien, I want to talk to you a little bit about -- you know, there's a  
6 litigation strategy that happens and there are suits filed across the country.

7

I'm not focusing on that right now. What I'm focusing on is a separate part of  
8 the strategy that related to State legislatures.

9

So you're nodding your head. Do you know what I'm referring to when I say a  
10 strategy related to State legislatures post-election?

11

A I know of a strategy related to State legislatures, yes.

12

Q Okay. Can you explain what you know that to be?

13

A There was a belief that State legislators and State legislatures had the ability  
14 to, I believe, select their own electors and send their own electors to vote with the  
15 electoral college. That's my understanding of it.

16

Q Okay. And so what did the strategy with respect to the legislatures involve  
17 then? Was there outreach involved?

18

A There was. I read reports that legislators from Michigan were invited to  
19 meet with President Trump. That was a report. I wasn't there. I didn't have any  
20 knowledge of that.

21

I can't speak to Pennsylvania. I also can't speak to anywhere else that that had  
22 occurred. I know I read specifically that Michigan was a point of emphasis though.

23

Q When did you first hear about this State legislature strategy?

24

A Well, I mean, kind of two things. One, there's the kind of the strategy  
25 follows the introduction of the concept, if that makes sense.

1 Q Of course, that makes perfect sense. When was the concept first  
2 introduced that you recall?

3 A You know, in the days after election day, later in that first week, bleeding  
4 into the second, as our numbers and data looked bleaker, internally we knew that. As  
5 the AP called the race, I think some surrounding the President were looking for different  
6 avenues to pursue.

7 I think the intersection of outlook looking bleaker is when the concept was  
8 proposed. From who or from where, I don't know where originally.

9 And then as we just discussed, secondly, there's a strategy involved with that  
10 which occurred after Mayor Giuliani kind of took over on the campaign.

11 Q Okay. So, and just to clarify those two distinct things, concept is the idea,  
12 and that idea which you explained being that State legislatures might have the authority  
13 to appoint their own electors. Is that right?

14 I'm sorry. I couldn't hear your answer to that.

15 A Yes. Sorry.

16 Q Okay. And then you said there's the strategy. Is it fair to say that's the  
17 implementation of the concept?

18 A Correct. That is fair.

19 Q Okay. All right. I just want to make sure we're talking apples to apples  
20 here. So I appreciate that.

21 I'm going to show you an article from the Atlantic. It's dated September 23rd.  
22 This is exhibit No. 38, specifically page 24 of exhibit No. 38. I'm not going ask you to  
23 read this whole thing, and I'm not going to ask you to comment on kind of right or wrong  
24 except for this one little area that I'm going to read to you. And it's in the middle of the  
25 page on page 24.

1           It says, "Trump may test this. According to sources in the Republican Party at the  
2       State and national levels, the Trump campaign is discussing contingency plans to bypass  
3       election results and appoint loyal electors in battleground States where Republicans hold  
4       the legislative majority. With a justification based on claims of rampant fraud, Trump  
5       would ask State legislators to set aside the popular vote and exercise their power to  
6       choose a slate of electors directly."

7           So this article was published September of 2020, so about 6 weeks or so before  
8       the election. Do you remember this idea, the concept, as you just explained it, coming  
9       up before the election?

10          A     I recall going back to 2016 there was -- and I joined late August 2016, early  
11       September 2016 -- I recalled -- and I'm not, honestly, that familiar with kind of this area of  
12       the world, electoral law or -- so I recall back to 2016 there was concern that the opposite  
13       would occur against the President and not in his -- President Trump -- and not in his favor,  
14       that people who were not favorable to him, didn't agree with his election or even his  
15       nomination, might not vote for him.

16          So I recall back then a process in place where -- whereby -- and I'm not sure how  
17       that was shored up to guarantee that the electors who were going to be sent to vote with  
18       the college were going to vote for soon-to-be President Trump.

19          That was my initial, vague understanding of the concept in 2016. So you asked  
20       kind of when I first kind of came across this. It was really back in 2016.

21          Q     Sure. And can we just explore that really quickly? So I think what you're  
22       describing is a concept known as faithless electors, where the electors who were selected  
23       would vote for someone other than the person they'd been chosen to vote for essentially.  
24       Is that right?

25          A     That is correct.

1           Q    Okay. But this concept that we're talking about here is a little bit  
2 differently -- different -- in the sense that State legislatures could just decide to appoint a  
3 different set of electors altogether, right?

4           A    When I saw on the paragraph to which you're referring loyal electors, it  
5 triggered in my mind the concept that you better remember than I of faithless electors.

6           Q    Okay. Fair enough. So with respect to this election, though, 2020, do you  
7 remember this idea of the State legislatures' authority to appoint their own set of  
8 electors coming up before November 3rd?

9           A    Before November 3rd? No.

10          Q    Okay. And do you remember when you heard it? You said earlier, I  
11 believe, that it was right around election day time. Do you remember where you heard  
12 this concept first from? Let me rephrase that.

13               Do you remember who you heard this concept from the first time?

14          A    I don't. You know, when I -- when you bring up this concept, I kind of  
15 categorize it with some of the crazy, crazier ideas that were thrown out in and around  
16 that time that I, honestly, kind of dismissed at hand.

17               So I don't recall from where it came, but I do recall my reaction to it.

1

2 [4:40 p.m.]

3

BY MR. [REDACTED]:

4

Q Okay. Do you remember ever speaking to like Justin Clark or Matt Morgan or anybody about this idea of State legislators appointing their own set of electors?

6

A Maybe conceptually. You know, not based, in my eyes at least, in reality, because it was, you know, something that, you know, as the traditional electoral pathway was closing or closed, you know, people were throwing out, you know, a lot of ideas. I think a lot of things were being talked about, you know, on cable TV. So if it came up and if we discussed it, I wouldn't be -- I wouldn't be surprised.

11

Q Okay. And what about the effort to implement the strategy of the other part of it that we talked about? Where did -- or who first raised actually implementing the strategy, that you recall?

14

A It just started happening, you know, without my -- you know, I recall -- I recollected watching the Giuliani press conference at the Republican National Committee on TV. You know, at this point, you know, I would be reading about reports of State legislators from Michigan, you know, being invited to the White House and being at the White House. At that point, I was very much a bystander in the campaign.

19

Q Okay. Fair enough. But having the legislators from Michigan and Pennsylvania at the White House, that was consistent with implementation of this strategy, as you understood it?

22

Mr. Marino. I mean, you're asking him as someone who was not involved in it and is watching these things unfold along with everybody else, or you're asking him --

24

Mr. [REDACTED]. Yeah.

25

Mr. Marino. -- for some inside information?

1 BY MR. [REDACTED]:

2 Q No [inaudible] strategy was having legislators come to the White House and  
3 meet with the President consistent with that strategy?

4 A From my vantage point, it seemed to be the case.

5 Q Okay. And I think earlier you mentioned it was -- it seemed like, at least  
6 initially, one of the crazier ideas. Do you remember Mr. Giuliani raising this in  
7 discussions that either you were a participant in or witness to?

8 A I don't recall that.

9 Q How about Jenna Ellis or Sidney Powell, do you remember either of them  
10 ever bringing up this idea --

11 [Audio malfunction.]

12 Q -- email from Vince Haley to Stephen Miller copied --

13 [Audio malfunction.]

14 Q -- in this email looks like Ross Worthington attached some talking points or  
15 some document. And then Stephen Miller says, Do we want to call on State legislators  
16 to get involved? And then Vince Haley responds, at the very top email, If there are  
17 substantial doubts about the integrity of the final outcome in various States, then State  
18 legislators would be well within their prerogative under U.S. Constitution, and it would be  
19 their solemn responsibility to intervene and pick a Trump slate of electors,  
20 notwithstanding what slate is certified by the Secretary of State in that State.

21 So, first of all, is this the concept and strategy that we've just been discussing, as  
22 you understand it?

23 A Seems like it.

24 Q Okay. Did you ever have any conversations with Mr. Haley or Stephen  
25 Miller or Ross Worthington about this idea?

1 A No, not that I recall.

2 Q Do you recall ever following up on this email and this idea or concept?

3 A I don't. You know, as -- I don't. I don't.

4 Q Fair enough. So I understand that on November 11th, you had a meeting in  
5 the White House with Mr. Miller, Jason Miller, to be clear, Justin Clark, Eric Herschmann,  
6 President Trump, and Vice President Pence, to talk about outreach to State legislatures.  
7 Do you remember that meeting?

8 Mr. Marino. What day is this, [REDACTED]?

9 Mr. Stepien. It's the 11th.

10 Mr. [REDACTED]. November the 11th, which I believe would be a Wednesday.

11 Mr. Marino. Yeah.

12 Mr. Stepien. I recall -- I recall -- if my dates are correct, I recall -- my main  
13 remembrance of that meeting was that Arizona concept that we talked about earlier, I  
14 recall that being the point in time where that claim was relayed. Perhaps there was a  
15 high-level conversation, like 30,000 feet conceptually about this, but I don't recall it ever  
16 being in execution phase by this point in time or being discussed moving it to execution  
17 phase, honestly.

18 BY MR. [REDACTED]

19 Q Okay. So let me just take a step back, though. Do you remember a  
20 meeting on the 11th and the Vice President was there?

21 A I don't recall him being there, but he very well may have.

22 Q Okay. Do you remember the President being there?

23 A Yes. I recall being at the White House on November 11th.

24 Q And so the President was there. Was Mr. Jason Miller there at that  
25 meeting?

1           A    Likely. I can't confirm that for sure, but likely.

2           Q    Okay. Do you remember Mr. Justin Clark and Eric Herschmann being there  
3 in that meeting?

4           A    Likely. But, similarly, I just -- I can't specifically recollect them being there.

5           Q    What about Mr. Giuliani?

6           A    I don't recall that.

7           Q    All right. Do you remem- -- so you know you were there and the President  
8 was there. Do you remember anybody else for certain who was there?

9           A    Meadows, I believe.

10          Q    Anybody else?

11          A    Not that I can recall.

12          Q    Okay. And you said just a minute ago that you believe this idea or the  
13 concept of the State legislature came up at a 30,000 foot level. Can you explain that  
14 more specifically, please?

15          A    Yeah. Again, I think -- I think not dissimilar -- I hate -- sorry to keep going  
16 back to the Arizona idea, the Arizona claim, but I do so because I recall it being, you know,  
17 relayed in a similar vein as an idea, something to think about, something to consider.  
18 Hey, here is something that someone said to me. It was relayed, you know, in a similar  
19 fashion of something to -- you know, a spitballing of something to consider that was  
20 thrown out at that meeting. Very similar to, hey, look into Arizona for this reason.

21          Q    Do you remember who raised this idea of having State legislatures appoint  
22 their own set of electors?

23          A    I do not.

24          Q    Did you raise it?

25          A    No.



1 Q Did Mr. Meadows raise it?

2 A I don't recall.

3 Q What was the President's reaction to this idea of State legislatures  
4 appointing their own set of electors?

5 A It was a new concept and was very interested in keeping pathways to victory  
6 open, so I believe he found the concept intriguing.

7 Q Did he -- is there anything he said specifically that you remember his words?

8 A I can't recall.

9 Q Do you remember him asking anybody to look into it, for example?

10 A No, I don't recall that.

11 Q Do you know if White House counsel was at this meeting?

12 A I don't recall that.

13 Mr. [REDACTED] I'll pause here and see if anybody has any questions about this.

14 Mr. [REDACTED] Not on that, no.

15 Mr. [REDACTED] Okay.

16 Mr. Stepien. Sorry I'm kind of a little blank on that.

17 BY MR [REDACTED]:

18 Q No. That's okay. I mean, I guess, just to round this out, though, this  
19 concept of alternate slates of electors or legislatures choosing alternate slates of electors  
20 did come up at this November 11th meeting with the President?

21 A I think conceptually it was thrown out there as, you know, on the menu of  
22 ideas to pursue.

23 Q Did you ever talk to the President about this idea after this meeting?

24 A No.

25 Q Do you know if anybody else did?

1           A    I don't know.

2           Q    Did anybody --

3           A    It's important to note, just for timeline purposes, this is the 11th, 2 days  
4 after, you know, things changed structurally on the campaign with Rudy in and, you  
5 know, Justin and me out. So, you know, there wasn't a lot of, you know, roadway  
6 between the two dates.

7           Q    Do you remember ever tell -- or excuse me. Do you remember anybody  
8 ever telling you that they had followed up with the President on this idea of alternate  
9 electors?

10          A    Don't recall that, no.

11          Q    And just to set the scene, and I'm sorry if I already asked you this, but this  
12 meeting, was this in the Oval Office?

13          A    It was.

14          Q    If we can go to exhibit 39, please. Specifically page 3. And this is not a  
15 document that you provided, Mr. Stepien, so I'm going to ask you to just take a look at it  
16 and see if you recognize it or anything like it. But these are submissions from alternate  
17 slates of electors that were sent to the President of the Senate and the National Archives  
18 in advance of the January 6th joint session.

19               And my question will be, so you know while you're looking at it -- page 3, please.  
20 My question will be: Did you ever see any documents like this being created or sent  
21 around that could be blank or otherwise, like a shell that was in development, anything at  
22 all like that?

23          A    Is this the page 3 we're talking about?

24          Q    This is, correct.

25          A    No. I've never seen this or anything like it.

1           Q    Okay.  And if you go down to page 4, please.  So this is a certificate of the  
2   votes of the 2020 electors from Arizona in this case, but did you ever see any documents  
3   that looked like this?

4           A    No.

5           Q    Did you know whether anybody at the campaign or the White House was  
6   actually reaching out to start implementing this strategy?

7           A    I was not aware.

8           Q    The followup to that question, I think I know the answer to, but I don't want  
9   to assume.  Are you aware of anybody helping to organize meetings of groups of these  
10  alternate electors to meet and vote?

11          A    No.  By this point, I was -- it had been a long, you know, 4 years.  And,  
12  yeah, I was not around for this.

13          Q    And just for the record, did you say no to that question about organizing or  
14  knowing about the organizing of these meetings?

15          A    I said no to that, correct.

16          Q    Okay.  I'm sorry.  Sometimes it cuts out a little bit.

17                If we can pull up exhibit -- actually, you know what?  Go to 27 really quickly.  
18  This is the text message we looked at, and I just have one clarification question on that.  
19  It's exhibit 27, and it's where you ask Mr. Meadows, What do you think about setting up a  
20  call with you, me, Alex Cannon, Nick Trainer, J. Clark to run through our data plan and its  
21  intersection with the legal.

22                Do you know who you're referring to or what you're referring to when you say  
23  "the legal"?

24          A    I assume I'm referring to Alex and Justin.

25          Q    As being the legal team?

1 A Yes.

2 Q Okay. Could that mean Mr. Giuliani and his legal team? This is November  
3 16th.

4 A No. I was not -- I was not interested in coordinating or intersecting with  
5 that legal team.

6 Q Okay. And on that point, you had mentioned earlier that you used the  
7 campaign or what was left of the campaign's research team to run down some of these  
8 claims, as did Ms. Cannon in the Arizona example. Do you know if Mr. Giuliani and his  
9 legal team ever used the research team that was available on the campaign to look at  
10 claims of fraud?

11 A I don't know. I don't know. I was -- by that point, I was not physically  
12 there, and I could not tell you.

13 Mr. Marino. [REDACTED] I don't know if it's just been a slip of the tongue, but since you  
14 said it twice, I just thought I'd call it to your attention. Alex Cannon is a man.

15 Mr. [REDACTED]. I apologize. I'm sorry. I was thinking of somebody else. So Mr.  
16 Cannon. I apologize throughout the record. Thank you for correcting that.

17 Mr. Marino. I just want to the record to be clear.

18 Mr. [REDACTED]. Very good. No, I appreciate that, Mr. Marino.

19 BY MR. [REDACTED]:

20 Q If we can go to exhibit 32, please. This is a document that you provided,  
21 Mr. Stepien, it's starting at Bates No. 45. This is a long chain, so I'll ask you to go to  
22 page 8.

23 This is an email starting -- actually, it starts the page before. It's from Jason  
24 Miller, but it's sent on December 31st to Gary Coby, Mike Hahn, Alex Cannon, copying  
25 Justin Clark, you, Mr. Stepien, Matt Morgan, and Tim Murtaugh.

1 Do you know why you were receiving emails like this on December 31st, that late?

2 A Can you scroll -- I just want to see the full distribution. I'm sorry, the other  
3 way. I'm sorry. Yeah. Who sent this, do we know?

4 Q It was Jason Miller. It's at the bottom of the next page.

5 A Yeah. At this point, you know, Jason, you know, in my absence, you know,  
6 was kind of executing some of the -- as you see, Rudy's plans. And from my perspective,  
7 it was kind of out of courtesy to keep me in the loop on what was going on at this point in  
8 time. By December 31st, you know, I was, you know, 6 weeks from being a constant  
9 presence in headquarters, and, you know, to me, this is just a courtesy to CC me.

10 Q You're saying this was implementing Rudy's plan. What do you mean by  
11 that? Are you referring to the text in the email itself?

12 A I'm referring to the -- this was requested by Rudy, yes.

13 Q Okay. So that there's -- it looks like there's a proposed tweet, if you go  
14 down just a little bit. Those look like little siren emojis. It says: Team Trump Action  
15 Alert. Call and email Georgia House Speaker David Ralston and Senate Majority Leader  
16 Mike Dugan to demand that they call a special session immediately. Then icons with  
17 check marks. It says: Hear the evidence, correct the false statements, and demand a  
18 vote on decertification.

19 Were you at all involved in the creation or editing of this message?

20 A No. No. There was a long chain. This is Georgia specific. There were  
21 other States and Michigan and some others. Yeah. I was merely on there as a CC  
22 courtesy. I didn't weigh in. I didn't edit. I didn't, you know, direct. I was put on  
23 these messages, in my estimation, as a courtesy.

24 Q And do you understand the reference that's in there to a vote on  
25 decertification?

1           A    I mean, I believe that to mean something related to our conversation about  
2 alternate electors.

3           Q    And do you have that understanding based on your time working at the  
4 campaign and being at headquarters when this concept and strategy were discussed?

5           A    Sure. And also just based on -- yes. I'll answer your question yes.

6           Mr. [REDACTED]. Any questions following up on what we've discussed here?

7           Mr. [REDACTED]. Just one.

8           So going back to the November 11th meeting in the Oval Office, I just want to  
9 make sure I understand what was discussed. Was the discussion in that meeting related  
10 to the concept of the State legislature strategy, as you've described it, or the  
11 implementation of the strategy, or both?

12          Mr. Stepien. I don't believe this was discussed in a real serious way before that  
13 point in time. So this was a conceptual conversation, not the implementation or  
14 execution thereof.

15          Mr. [REDACTED]. Are you aware of any other conversations other than this  
16 meeting about the implementation of such a strategy?

17          Mr. Stepien. I'm not. I referenced before, 2 days after the November 11th  
18 meeting, the President switched up his legal team, and, you know, I was just not nearly as  
19 involved in conversations after that point in time.

20          Mr. [REDACTED]. Okay. Thank you.

21          Mr. Stepien. Yes.

22          BY MR. [REDACTED]:

23          Q    All right. If we can go to exhibit 40, please. This is a tweet that the  
24 President sent out on November 19th, 2020, at 1:42. This says p.m. I believe it's  
25 actually a.m. It talks about Peter Navarro and his reports on fraud in the election, and

1       then says: Statistically impossible to have lost the 2020 election. Big protest in D.C. on  
2       January 6th. Be there. Will be wild.

3               Now, I know that based on what you've said, you were largely out of the loop at  
4       that point, but do you know anything at all about this tweet, other than the fact that it  
5       was sent out?

6               A     I don't.

7               Q     Okay. Did you ever talk to anybody about what the President meant by, be  
8       there on January 6th, will be wild?

9               A     No. Nor do I --

10              Q     Do you ever --

11              A     Nor do I -- you know, nor am I familiar with this 36-page report.

12              Q     Do you know anything about what the President's expectations on  
13       December 19th were for January 6th, the joint session of Congress?

14              A     I do not.

15              Q     Did you ever talk to the President about this tweet?

16              A     No.

17              Q     If we can go to exhibit 34, please. This is a document that you provided,  
18       Mr. Stepien, starting at Bates No. 36. And we'll go to page 4 first, which is an email from  
19       Ken Chesebro to Justin Clark, Bruce Marks, John Eastman, Judge Troupis, and copying a  
20       few others. You were not copied on this, to be very clear, but do you know who Ken  
21       Chesebro is?

22              A     I do not.

23              Q     Do you know who John Eastman is?

24              A     Only what I've, you know, read, you know, after the campaign.

25              Q     Did you ever meet or speak with John Eastman in your role as campaign

1 manager?

2 A No.

3 Q Okay. Did you ever meet or speak with him about his legal theories related  
4 to the alternate electors?

5 A No.

6 Q And did you ever speak with any of the people who are on this email  
7 here -- Justin Clark, Bruce Marks, John Eastman, Judge Troupis, Nina Khan, Tom Sullivan,  
8 Matt Morgan -- about the alternate electors idea?

9 A I mean, you know, perhaps Justin Clark, you know, conceptually about the  
10 idea, you know, before, you know, the President -- you know, Justin Clark I believe was in  
11 the meeting on November 11, so I don't want to -- I don't want to say that we, you know,  
12 were not in a discussion on that topic because, you know, we certainly -- it certainly came  
13 up in that setting. But in a serious way, in an execution-type fashion, absolutely not.

14 Q Did he tell you his thoughts on the alternate elector plan or idea?

15 A I'm sure he did. I'm sure we're of like minds on the topic.

16 Q And just to be clear, like minds meaning what?

17 A That it was an unrealistic idea and possibility.

18 Q Now, you provided this document. I mean, as we're looking at it, do you  
19 remember anything about this and this exchange of emails?

20 A Looking at the one that we're curr- -- the page we're currently looking at?

21 Q Correct.

22 A No.

23 Q Okay. If we go to page 3, and these are December 24th. This is an email  
24 sent by Ken Chesebro, again, to the same group, as best as I can tell. And they're talking  
25 about the likelihood of success, I believe, in the Supreme Court and some litigation filing.



1 And Mr. Chesebro says: I think the odds of action before January 6 will be become  
2 fav- -- more favorable if the Justices start to fear that there will be wild chaos on January  
3 6th unless they rule by then either way, and then it continues.

4 You received this email on December the 24th. Do you have any idea of what  
5 Mr. Chesebro was referring to when he's talking about wild chaos on January the 6th?

6 A No.

7 Q Do you remember --

8 A And, honestly, there's a good chance I didn't even, you know, read the full  
9 email, to be frank. It was --

10 Q If we go to page --

11 A It was [inaudible] after all.

12 Q Okay. I'm sorry to cut you off there.

13 If we go to page 1 of this, this is when you did receive the email, in fairness,  
14 Mr. Stepien. You got it on December the 24th. Looks like this is the last email of the  
15 chain. And Justin Clark sent it to you and Jason Miller with a note, saying: Still fighting  
16 the grifters trying to steal the President's money. It's gross. Wait for the replies when  
17 they say, oh, you misunderstood, I'm not working for free.

18 Do you know why this email came to you from Mr. Clark?

19 A Yes.

20 Q Why?

21 A I believe that he shared this with me, and Jason, for that matter, because,  
22 you know, there was a belief that many of the postelection day actors, you know, were in  
23 it for notoriety, were in it to make a splash, were in it to get on TV, were in it to, you  
24 know, make a relationship with the President, and were in it to make money. You know,  
25 Justin refers to them as grifters, you know. That -- that's why he forwarded this email to

1 me because, you know, many of these people were bad actors, and he was emphasizing  
2 that fact.

3 Q So you mentioned postelection day actors looking for maybe some ulterior  
4 motive, publicity, whatever, all the things you just listed. Are you referring to the  
5 people then on this email chain that's forwarded to you by Mr. Clark other than, say,  
6 Mr. Clark and Mr. Miller?

7 A Maybe. I don't know the names well enough to -- I mean, not Matt  
8 Morgan, who I do know.

9 Q Okay.

10 A But the rest, I previously said I'm not familiar with any of them, so I can't  
11 speak to their intentions or not.

12 Q Okay.

13 A But clearly, clearly, you know, Justin has an opinion that he's sharing.

14 Q Switching gears slightly but still related, do you recall any discussions  
15 between President Trump or anybody at the White House and any Members of Congress  
16 about objecting to the electoral votes during the joint session on January 6th?

17 A Do I recall conversations between President Trump and any Members of  
18 Congress. That was the question?

19 Q Correct.

20 A I do not recall. I was not party to any.

21 Q And to expand the scope on that, do you recall any discussions between  
22 anybody else in the White House and Members of Congress about objecting to electoral  
23 votes on January 6th?

24 A You said anyone else at the White House?

25 Q Correct.

1           A    I am not aware.

2           Q    Okay. Did you ever hear about conversations like those either with the  
3 President or other people at the White House and Members of Congress?

4           A    No, I did not hear.

5           Q    I assume you didn't have those conversations yourself with Members of  
6 Congress about objecting to the electoral votes during the joint session on January 6th?

7           A    No. I actually did have from a couple clients who were Members of  
8 Congress or friends who are Members of Congress, a couple of them asked my advice on,  
9 you know, what I thought they should do, or they bounced their ideas on what they  
10 thought they should do off of me. So, you know, I did have a conversation with one or  
11 two Members of Congress about, you know, politically, you know, for their interests, you  
12 know, what I thought they should do.

13          Q    And in those conversations, were those clearly like a political calculus as  
14 opposed to the merits of the objections and fraud in the States?

15          A    I would say both. You know, if a Member of Congress, you know, came to  
16 me and said, you know, should I object, it's my belief that they believe there's reason to  
17 object. And, you know, and subsequently, you know, the politics of that decision, you  
18 know, were discussed.

19                I certainly -- I -- to be clear, I didn't pick up the phone and, you know, lobby  
20 Members to vote in a certain way. You know, that was not for me to do, not for me to  
21 weigh in. If someone wanted to discuss the politics of a decision, you know, I'm happy  
22 to do that.

23          Mr. [REDACTED] I'm about to get to January 6th specifically, but any followup on  
24 what we've talked about?

25          Mr. [REDACTED] Yeah.

1 BY MR. [REDACTED]:

2 Q Mr. Stepien, if you'd go back to the grifters comment that Mr. Miller made.  
3 Did you share that concern that a lot of these people that were around the President  
4 after you became a bystander were grifters or were there for personal financial  
5 motivation?

6 A I believe Mr. Clark had made that comment, for point of clarification. I  
7 think.

8 Q Yeah. I'm sorry. Whoever made it, my question is whether you shared  
9 that concern.

10 A Yes.

11 Q Why?

12 A My concern was that people were using this moment in time to -- and it  
13 wasn't just necessarily grifting for purposes of lining their own pockets but to step into  
14 that void, and I mentioned, you know, gain notoriety, gain a relationship with President  
15 Trump, get on TV. So from my perspective, grifting kind of takes many forms --

16 Q Uh-huh.

17 A -- you know, so that was my belief.

18 Q I see. And is that, in part, based, Mr. Stepien, on your view that the  
19 substance of what they were saying was not reasonable or was not consistent with the  
20 facts as you understood them?

21 A Yes.

22 Q Thank you.

23 BY MR. [REDACTED]:

24 Q All right. So I do want to turn to January 6th. Did you have any role in  
25 planning or preparing for events on January 6th, and to be very specific, the rally on the

1       Ellipse?

2               A     No.

3               Q     Did you have any discussions with President Trump about the events on  
4       January 6th, including the rally on the Ellipse and the joint session of Congress?

5               A     I did not.

6               Q     Did you have any discussions about those topics with anybody in the White  
7       House, including Mark Meadows or others?

8               A     I did not.

9               Q     Did you have any discussions regarding communication strategy for January  
10      6th, either related to the rally or the joint session of Congress?

11              A     With whom specifically?

12              Q     Anyone at all.   Any discussions about communication strategy.

13              A     Yes.   I believe some of those materials were submitted to you.

14              Q     Okay.   Can you explain?

15              A     Yeah.   You know, I had mentioned previously that, you know, the campaign  
16      ended and, you know, I was back to the business of, you know, being a political  
17      consultant.   So a couple Members of Congress, a couple, you know, clients asked me,  
18      you know, what's the right thing to be saying about this.   You know, I'm getting  
19      incoming calls from reporters.   How do I respond?   So I provided, you know, the best  
20      advice I could.

21              Q     Understood.   And I appreciate that clarification.   I was geared more  
22      towards the White House specifically and the President, so -- but I do appreciate your  
23      candor there, Mr. Stepien.

24              A     No -- no advice to the White House or anyone on campus there.

25              Q     Did you have -- based on what you knew and just your friendships and

1 acquaintances, did you have any expectations for the rally on the Ellipse on January  
2 the 6th?

3 A No, I did not. I did not. Didn't know what to expect, honestly.

4 Q Did you hear from anybody that there could be violence or they were  
5 concerned about what might happen at the rally or during the joint session?

6 A Yeah. You know, I recall advising or talking to a Member of Congress. I  
7 didn't know what to expect. You know, he asked, you know, how -- what should I do?  
8 Should I go, should I not go? And my advice was to go, you know, take a picture and  
9 leave. That was my advice, because I just didn't know what to expect, to know if the  
10 crowd was going to be large or small, you know, peaceful or unpeaceful. So that was  
11 the best advice I could give.

12 Q And I'll note just for your knowledge, Mr. Stepien, that Representative  
13 Aguilar has joined. And I believe Representative Schiff had also joined at one point but  
14 no longer appears to be on.

15 A Thank you.

16 Q And that question of go or not go, you said -- and then you responded by  
17 saying, go and take a picture, you're referring to the rally at the Ellipse as opposed to the  
18 joint session of Congress?

19 A Correct. Correct.

20 Q You know, one of the things just, I guess, big picturewise, as a campaign  
21 manager, I would assume, though I don't necessarily want to, assume that you kind of  
22 know where to find your candidate's supporters or where to look to maybe convince  
23 others that your candidate's the best. Is that fair?

24 A Sure. Yes.

25 Q How important is social media to that, meaning like the Reddits and other

1 websites of the world where people talk about candidates and politics?

2 A I don't have a lot of familiarity with Reddit, to be honest. But social media  
3 writ large, obviously, you know, is in today's day and age an important communications  
4 device for candidates and elected officials.

5 Q Have you ever heard of the website thedonald.win?

6 A No.

7 Q Never heard of it. Do you ever remember talking about it or hearing  
8 anybody raise it in conversations?

9 A I do not recall.

10 Q And one specific question. Do you remember Jason Miller ever bringing up  
11 thedonald.win or message boards about the President and his supporters?

12 A I do not recall, no.

13 Q Okay. All right. So earlier we talked about the phone calls that you had  
14 and that you identified on the chart that you gave to us, which is very helpful, and you  
15 said you remember having calls on the 14th and the 15th with the President. Can you  
16 please describe those calls and what you discussed?

17 A Yeah. Those two calls were in reference to a Presidential pardon that he  
18 was relaying, that he was pardoning someone who I had, you know, put in a request to  
19 have done so.

20 Q Who was that person?

21 A George Gilmore of New Jersey.

22 Q Did he mention anything about the events of January 6th during those calls?

23 A No.

24 Q Did he mention any other possible pardons that he was considering?

25 A No.

1 Q All right. Was it a short conversation?

2 A It was a short conversation, as I recall it.

3 Q And to be clear, both of them were short conversations?

4 A Yes.

5 Q Do you remember anything else that you talked about with the President  
6 during those calls?

7 A Squarely focused on the pardon. He was -- he wanted to relay the news.  
8 He was in good spirits, and that was it.

9 Q Did he call you or did you call him?

10 A He called me.

11 Q Did you ever call him?

12 A Very, very, very, very rarely. You know, it's just kind of not my practice. I  
13 figure he has more important things to be doing than, you know, talking a call from me.  
14 So if I called him, it was a return call. I very, very rarely, if ever, called him. It was  
15 always a return call.

16 Q Did he have a cell phone when he was the President?

17 A He had -- he certainly had a -- you know, an iPhone. I believe it was an  
18 iPhone. Never saw him -- I don't recall really seeing him use it for, you know, telephonic  
19 purposes.

20 Q Did you ever call him on that cell phone while he was President?

21 A No.

22 Q Do you know if it's the same phone that he still has?

23 A I don't know.

24 Q Did you ever text with him while he was the President?

25 A No.



1 Q Do you know what he used the cell phone for, if you don't recall him ever  
2 using it to make phone calls?

3 A I -- you know, I assumed for, you know, tweeting and social media purposes,  
4 but that's my guess.

5 Q You don't know for sure, though?

6 A Don't know for sure.

7 Q Now, on January the 12th, I understand that you met with the President,  
8 along with Jason Miller, Brian Jack, and Jared Kushner, to talk about the President's  
9 political future. Is that accurate?

10 A I don't recall that meeting, and I'm being completely frank with you. I think  
11 I supplied a -- is there a --

12 Mr. Stepien. You have the book, Kevin?

13 Mr. Marino. I do.

14 Mr. Stepien. I think I supplied a PowerPoint from that meeting.

15 Mr. [REDACTED]. All right. Yes. Let's go to exhibit 35, and that is Bates 172.

16 Mr. Stepien. Yeah. So I'm just looking on my -- just looking at my calendar, I  
17 don't recall being here. But I obviously have the PowerPoint that was sent to me, but I  
18 don't recall this meeting. And I'm being a hundred percent frank with you.

19 Mr. [REDACTED]. Okay. And I'm just going to read you something in the event that  
20 it jostles your memory here. This is from Michael Wolff's "Landslide" book. It says:  
21 On January 12th, Stepien, Jason Miller, Brian Jack, and Jared Kushner met with Trump to  
22 discuss his political future. Trump asked them if they were sticking around and they said  
23 that they would. Stepien prepared a presentation for the meeting in which he bulleted  
24 the House and Senate Members who appeared to favor impeachment.

25 Does that help refresh your recollection about a meeting on the 12th?

1           Mr. Marino. I'm sorry, [REDACTED]. Can you say -- tell me who wrote the book again?

2           Mr. [REDACTED]. Michael Wolff.                   -

3           Mr. Marino. Can you say it again?

4           Mr. [REDACTED]. Michael Wolff.

5           Mr. Marino. Okay. Thank you.

6           Mr. [REDACTED]. Does that refresh your recollection about a meeting that you had or  
7 conversation that you had with the President?

8           Mr. Stepien. Perhaps. Perhaps he was -- I --

9           Mr. Marino. But don't speculate.

10          Mr. Stepien. Yeah.

11          Mr. Marino. If you don't remember, you don't remember. If that jogs your  
12 memory, it jogs your memory.

13          Mr. Stepien. I just don't recall that meeting. I'm sorry.

14                   BY MR. [REDACTED]:                   -

15          Q     Okay. So the second page of this document that you provided to us, it  
16 looks like a survey poll.

17          A     Yeah.

18          Q     And the first question that's polled there is: The election -- or it's not really  
19 a question. I should rephrase it. It says: The election has been decided and  
20 President Trump should move on and focus on ensuring a peaceful and orderly transition.

21                   Do you remember this?

22          A     I didn't until I sent this along to you. You know, oftentimes polls are done  
23 with intent, and it seems like, you know, the purpose of this was to show him data that  
24 supported the idea that peaceful transition, you know, was what the American people  
25 wanted.

1 Q Do you remember having a conversation with the President about this idea,  
2 even if not this slide specifically?

3 A Gosh, I don't recall. I'm really sorry, but that meeting just has me a little bit  
4 blank.

5 Q Okay. And we've learned through our investigation that Jason Miller may  
6 have had a conversation about this with the President and said the President wasn't -- he  
7 wouldn't have it, I believe, were Jason Miller's words. Does that refresh your  
8 recollection about any conversation or meeting that you're aware of?

9 A Does not refresh my memory. If -- no, it does not refresh my memory.

10 Q And we talked about the two calls on I believe it was the 14th and 15th.  
11 Did you ever talk to the President about what happened on January 6th?

12 A No.

13 Mr. [REDACTED]. I'm going to pause there and see if anybody has any questions on  
14 that.

15 Mr. [REDACTED]. No.

16 Mr. [REDACTED]. Okay.

17 Mr. [REDACTED]. Very quickly.

18 I want to direct your attention to pages 9 and 10 of this document on exhibit 35.

19 And while we're pulling it up, I'll describe to you that it's providing polling results on two  
20 prompts, if you will. The first one is, quote, "If Twitter, Facebook, and Google can  
21 censor and take away the President's right to free speech, they can censor and take away  
22 the right of free speech for any American."

23 And then the second prompt is, quote, "Big tech companies like Twitter,  
24 Facebook, Amazon, Google, and Apple have too much power and need to be regulated to  
25 protect the freedoms and privacy of Americans."

1           Why were these two prompts included in this polling?

2           Mr. Stepien.   Don't know.   I was not involved in the construction of the poll.

3           Mr. [REDACTED].   Based on your -- did you have any conversations about the  
4   preparation of this poll with -- well, I guess maybe to start, do you know who prepared  
5   this poll?

6           Mr. Stepien.   From the looks of it, looks like the poll was done by, I believe, John  
7   McLaughlin.   But I don't know who worked with John on the construction of the poll.

8           Mr. [REDACTED].   Okay.

9           BY MR. [REDACTED]:

10          Q    Before we switch gears, can I -- I just have two things you said, Mr. Stepien,  
11   on which I wanted to follow up.

12          I appreciate your use of the word "bystander."   It sounds like around November  
13   13th, your role changed and you became, to use your word, more of a bystander than  
14   sort of actively managing the campaign such as it was at that time.   Is that right, and is  
15   that the date, roughly, on which that change occurred?

16          A    It was.   It was, yes.

17          Q    And my question is whether that was your choice, the President's choice, or  
18   a combination.   What motivated that change in your status?   Was that you  
19   purposefully stepping back for a reason or the President stepping you back and replacing  
20   you with Giuliani and others?

21          A    So the evolution was, you know, week one postelection day very politically  
22   focused, very data focused.   My role was significant in, you know, analyzing and helping  
23   be a part of that effort.   Week two, when it turned to a legal operation, I naturally got,  
24   you know, less interaction with President Trump, less phone calls with President Trump.  
25   He cared less about the politics at that point and more about the legal at that point.

1 And kind of as I got less phone calls from him, Justin Clark got more phone calls from him.

2 And as that week wore on, he became dissatisfied with, I think, Justin's aggression,  
3 you know, especially compared to what others were, in his ear, I assume, you know,  
4 telling him what he should be doing or could be doing. And, you know, Justin had a  
5 more methodical approach, one that, you know, aligned with my view.

6 When the President replaced, you know, Justin with Mayor Giuliani, you know, he  
7 naturally, you know, took that larger role that Justin had, larger than mine at that point.  
8 And at that point, I wasn't necessarily replaced by -- you know, by Mayor Giuliani,  
9 but -- or by President -- or from President Trump, but I was not inviting a role in an  
10 operation that Mayor Giuliani was leading. So, at that point, it was kind of, you know,  
11 self-demotion, my choice.

12 Q Yeah. I'm getting the sense from listening to you here for a few hours that  
13 you sort of chose to pull back, that you were uncomfortable with what Mr. Giuliani and  
14 others were saying and doing and, therefore, you were purposefully stepping back from a  
15 day-to-day role as the leader of the campaign. Is that -- I don't want to put words in  
16 your mouth. Is that accurate?

17 A That's accurate. That's accurate. You know, I had my assistant -- it was a  
18 big glass kind of wall office in our headquarters, and I had my assistant lock my door. I  
19 told her, don't let anyone in. You know, I'll be around when I need to be around. You  
20 know, tell me what I need to know. Tell me what's going on here, but, you know, you're  
21 going to see less of me.

22 And, you know, sure enough, you know, Mayor Giuliani tried to, you know, get in  
23 my office and ordered her to unlock the door, and she didn't do that, you know. She's,  
24 you know, smart about that. But your words are ones I agree with.

25 Q Yeah. Okay. And was it important for you, Mr. Stepien, to sort of pull

1 back just for your own professional reputation? You didn't want to be associated with  
2 some of what you were hearing from the Giuliani team and others that sort of stepped in  
3 in the wake of your departure?

4 A I didn't mind being categorized. There were two groups of family. We  
5 called them kind of my team and Rudy's team. I didn't mind being characterized as  
6 being part of team normal as reporters, you know, kind of started to do around that point  
7 in time.

8 You know, I said, you know, hours ago, early on that, you know, I've been doing  
9 this for a long time, 25 years, and I've spanned, you know, political ideologies from Trump  
10 to McCain to Bush to Christie, you know. And, you know, I can work under a lot of  
11 circumstances for a lot of varied, you know, candidates and politicians. But the situation  
12 where -- and I think along the way I've built up a pretty good -- I hope a good reputation  
13 for being honest and professional, and I didn't think what was happening was necessarily  
14 honest or professional at that point in time. So --

15 Q Yeah.

16 A -- that led to me stepping away.

17 Q I appreciate that. Who else was on team normal with you? You've  
18 mentioned Justin Clark, Justin -- Jason Miller. I'm just curious if you could sort of line up  
19 who was on either side of team normal, the Stepien team, and team crazy, the Giuliani  
20 team?

21 A Yeah. You know, certainly Justin Clark, Eric Herschmann, Alex Cannon.  
22 You know, they were all very clear eyed when it came to -- you know, and aligned with  
23 me when it came to our view of what was happening and our view of the status of the  
24 race.

25 You know, I've seen some very recent reports about, you know, detractors of mine

1 saying that I wasn't fighting hard enough. I think it was the Rolling Stone article, Kevin.  
2 You know, I wasn't fighting hard enough or I'd given up, and I just -- no one fought harder  
3 than me, you know, for 4 years from the first campaign to the second. This just wasn't  
4 my kind of fight. This wasn't a fight that I was comfortable with.

5 Q Yeah. And who else -- who was on the other side, besides Giuliani and the  
6 lawyers that he brought in? To the extent you can characterize the other team that was  
7 sort of advocating this approach with which you disagreed, who was on that team?

8 A It was largely the legal team, you know, and the names that, you know,  
9 we've mentioned who were in Rudy's orbit and many of those on the emails that we've  
10 recently reviewed. You know, Peter Navarro, not a lawyer, though aligned with that  
11 group. I never interacted with, you know, Peter and what he was doing in his report,  
12 but I assume he was part of that group. Michael Flynn seemed to be a part of that  
13 group. Mike Lindell seemed to be a part of that group. Largely, you know,  
14 lawyer-based, but some other people in the orbit that I just outlined at the end.

15 Q Yeah. How about Mark Meadows, which team would you put him on?

16 A Neither.

17 Q What do you mean?

18 A I don't think he was -- I think he, you know, was an honest broker. Like, he  
19 was an honest broker for as long as I was, you know, involved in the day to day. After  
20 that point in time, I can't really speak to where he was or with whom he was aligned.  
21 I'm just -- I'm blind on that.

22 Q Yeah.

23 A Just lack of direct interaction.

24 Q Yeah. Well, he didn't step away like you did. He stayed all the way  
25 through the end, right?

1           A    He did.

2           Q    How about the President's family, particularly his children, which side would  
3 you say they were on, if you were dividing the Trump world into team normal and team  
4 crazy?

5           A    I think they are -- I think they're aligned with, you know, my world view. I  
6 think they were -- you know, it's my belief -- I had no, you know, interaction or  
7 conversations on this certainly after I left, but I think there was, you know, concern. I  
8 certainly heard concern in that meeting on November 7 at campaign headquarters, you  
9 know, concern about, you know, doing the right thing by their father, you know,  
10 genuinely concerned for, you know, their dad. So I think -- I can't speak to every tweet,  
11 you know, that people send out, but I think at day's end, they're more aligned with, you  
12 know, my world view of the election and post election than not.

13          Q    Yeah. I mean, you talked about Mr. Kushner as being involved in some of  
14 the those clear-eyed discussions that you had in the days following the election. Fair to  
15 say that puts him on team normal, at least as far as you could tell?

16          A    Yeah. Jared brought me on to the campaign in 2016. You know, he -- we  
17 maintained a good relationship throughout. And, yeah, I would put Jared in that -- in  
18 the same camp with my world view.

19          Q    Okay. Two other White House staffers I want to ask you about, and the  
20 same question, which side, and that's Dan Scavino and Stephen Miller. If you had to  
21 classify them, based on your observations, which side were they on? And it could be a  
22 different answer for each.

23          A    Yeah. You know, I think [REDACTED] in many ways is an extension of the family  
24 and, you know, cared about President Trump, I assume still cares about President Trump,  
25 you know, the same way that, you know, another son would. So, you know, he



1 was -- [REDACTED] was at that meeting on November 7th and was, you know, concerned about  
2 doing the right thing by the President and legacy and impact thereon. So I think [REDACTED],  
3 you know, would be in my camp. Again, this is just kind of me speculating, largely.

4 You know, Stephen -- I don't know where to classify Stephen. You know, he  
5 certainly is, you know, a hard liner on some, you know, policy. You know, certainly, you  
6 know, would be, you know, called a -- you know, a fighter for the cause. I just don't  
7 know -- I don't know what happened after, you know, November 13, and that -- to me,  
8 that's the important inflection point --

9 Q Uh-huh.

10 A -- as to how -- you know, what you were doing after that point in time.

11 Q Right.

12 A That's really important to me and would guide my classification for someone  
13 like Stephen.

14 Q I understand.

15 Last question. If there was ever a time when you were working for the President  
16 where you needed help persuading him about something or you wanted to get through  
17 to him, seek some reinforcement for a position you were taking, who would -- to whom  
18 would you turn for help, knowing that that person would potentially be influential with  
19 the President? Who did you perceive as an influencer that could help you get the  
20 President to do or not do something?

21 A Eric Herschmann.

22 Q Tell me more about that. Why?

23 A Eric Herschmann had -- you know, I believe he had the President's respect.  
24 You know, I don't know a lot about Eric, but what I do know is that, you know, he -- you  
25 know, not even sure what Eric's specific role was, you know, towards the latter days of

1 the administration or the campaign, but, you know, he was someone who would not be  
2 afraid to tell the President the truth in a forceful way.

3 I don't think Eric needed the job. You know, so many people needed the job or  
4 wanted the access, craved the access. Eric didn't -- you know, didn't need either, and  
5 with that came a lot of freedom to speak very bluntly, if need be. So, if at times, you  
6 know, a message had to be delivered from a different voice than mine, Eric was always a  
7 very strong truth teller.

8 Q Yeah. I appreciate that. Was there anyone else like that, Mr. Stepien,  
9 that played a similar role, a truth teller that the President -- who the President respected?

10 A That I utilized?

11 Q Yes. Or you did or you would think to utilize if you were trying to convince  
12 him of a particular position.

13 A No. At that point -- at that late point in the campaign, thinking over the  
14 115 days left, there weren't many. I was often the one, you know, doing it myself. So  
15 I'd count Eric as the top and, you know, maybe only ally I used in that regard.

16 Q Got it. Okay. All right. I don't have anything else.

17 We have one more discrete area, and [REDACTED], my colleague, and this is  
18 really focused on sort of the Trump digital operation and fundraising. And I know you  
19 didn't have a ton of visibility into that, but [REDACTED] has some specific questions about  
20 how the campaign was organized.

21 Mr. Marino, I think it's --

22 What do you think?

23 Ms. [REDACTED]. Oh, no, no. I'm not even going to speculate on time at this point,  
24 and I'm so sorry to be standing between you and dinner.

25 Mr. [REDACTED]. My question is, do you want to take a break for 5 minutes or just

1 march through to the finish?

2 Mr. Marino. Any idea about how long you'll be?

3 Ms. [REDACTED]. I would say probably at least 20 or 30 minutes.

4 Mr. Marino. And at most?

5 Ms. [REDACTED]. Oh, no, no. It depends really on how long these answers take. I

6 don't know his knowledge here. To be honest with you, some of this is asking him

7 because of his role. We think possibly he might know, if it's not him, who the right

8 people would be, so there may just be like some super helpful direction here.

9 Mr. Marino. So let's just take 5 minutes.

10 Ms. [REDACTED]. Okay. Thanks.

11 Mr. [REDACTED]. Thank you. And we are really are close. I know we've been here

12 a long time, and I appreciate your indulgence. We're trying to get it all done today.

13 Mr. Marino. Yeah. We very much -- let's go off the record for a sec.

14 Mr. [REDACTED]. Yeah. Let's do that. The court reporter can go off the record.

15 [Discussion off the record.]

1

2 [5:47 p.m.]

3 Ms. [REDACTED] Excuse me. I'm sorry. We're back on the record at 5:46. I think I  
4 forgot to say that. Apologies.

5 BY MS. [REDACTED]

6 Q Earlier on today, one of the things that you kind of mentioned was that you  
7 inherited kind of processes that were already in place. And I don't want to put words in  
8 your mouth, but it was kind of like you -- the train was moving and you kind of jumped on  
9 board.

10 One of those processes that I wanted to ask that you inherited was a vendor called  
11 American Made Media Consultants. Are you familiar with that company?

12 A I am.

13 Q And what is your understanding -- I'm just going to call it AMMC for short.  
14 But what is your understanding of who AMMC is?

15 A My understanding is that AMMC was a -- there was always a concern that  
16 people were making or had the ability to make too much money off of and/or from the  
17 campaigns.

18 So as opposed to -- this was as described to me, or as I read -- as a way to limit a  
19 TV buyer's or media buyer's ability to make healthy commission or to reduce a buyer's  
20 commission, AMMC was set up to have all buying flow through one entity to have -- to  
21 make sure the campaign was -- or help the campaign save money on that front.

22 Q And a minute ago you said as it was described to you. Who described the  
23 AMMC to you?

24 A As I read. Brad, Brad Parscale. I recall talking about AMMC. Brad  
25 Parscale, my predecessor.

1 Q And was there anyone else who talked with AMMC to you?

2 A No.

3 Q And did you have any involvement with them? Did you ever speak to  
4 anyone from AMMC?

5 A I believe it was -- a board was created, from my understanding, on which  
6 familiar people to me served as board members. If I recall, Lara Trump was a board  
7 member. John Pence was a board member.

8 I believe the thought that they would keep an eye on the goings-on and to ensure  
9 that the intended goal to reduce costs and save the campaign money was actually  
10 happening.

11 So I did speak with Lara, but never about AMMC. I did speak with John, but  
12 never about AMMC. So I did speak with them, but not on that topic.

13 Q Did you ever -- and I understand you're saying those are the board members  
14 you're familiar with, but were there any actual employees that you dealt with from  
15 AMMC that you remember?

16 A I had a hard time differentiating AMMC versus people who worked for Brad,  
17 if that made sense. He had a whole operation of people working for him in Florida.

18 I didn't necessarily understand what they did or what purpose they served or what  
19 function they executed. So I don't know if those people that worked for Brad were  
20 also -- were working for AMMC. I didn't understand the intersection or all of that, if that  
21 makes sense.

22 Q No, it does. Are you familiar with somebody named Sean Dollman?

23 A Yes.

24 Q Okay. And is it your understanding that he worked for AMMC?

25 A It's my understanding that Sean worked for the -- like the Trump campaign.

1 I think he was the -- was he the CFO? I believe he was the CFO of the campaign.

2 Q But you're not aware of any employment that he had with AMMC or any role  
3 that he had with AMMC?

4 A I believe he was also, now that you've jogged my memory, a board member,  
5 like Lara, like John. I think he sat on the board that was created.

6 Q And do you know somebody named Bradley Crate?

7 A I know of Bradley Crate. I have never met him.

8 Q Have you ever heard of him being associated with AMMC?

9 A I have not. He works -- my interaction with Bradley is he works for a  
10 Treasury compliance firm called Red Curve Solutions, that when I have -- when we're  
11 running a campaign for a client in a certain State we often hire Red Curve to serve as that  
12 campaign's treasurer and to handle their accounting and compliance needs.

13 That's not usually Brad, but -- or Bradley -- but someone who works for Bradley's  
14 firm.

15 Q So I'm going to apologize now because I'm probably the least political  
16 acumen person on the team. So I may ask you some super basic questions. And it's  
17 really not to be rude, it's just because I need you to teach me just a little bit.

18 But when you're saying like the compliance aspect, do you mean like the FEC  
19 filings with the expenditures that a treasurer for an entity would make?

20 A Yes. Yes.

21 Q Okay.

22 A Accepting donations, reporting said donations, filing reports with the FEC,  
23 yes.

24 Q While you were on the campaign -- or while you were campaign manager, do  
25 you know who had the authority to approve spending from the campaign to AMMC?

1           A    I don't. I know that Sean Dollman could have served that role. Within  
2 headquarters, that would be the person, I believe.

3           Q    Do you know who Sean Dollman reported to?

4           A    Who did Sean Dollman report to?

5           I don't know. I mean, I worked close -- you know, let me take a step back.

6           When I took over the campaign, I considered the campaign budget to be the most  
7 important thing I had to worry about. So I put in charge Justin Clark in addition to  
8 making him my deputy campaign manager. I said, "I need you to really look at the  
9 budget, fix the budget." Have to create a budget because a budget didn't exist when we  
10 took over.

11           So I know Justin spent a lot of time asking Sean questions. So if he had a report, I  
12 guess it would be Justin, merely because of Justin's budgetary function that I asked him to  
13 undertake.

14           Q    And just if you could clarify something. Our understanding was that that  
15 was actually one of the reasons that Mr. Kushner suggested you be brought on, was  
16 because of your kind of budget acumen and his concerns about the campaign budget. Is  
17 that fair or no?

18           A    I don't think it was necessarily my budget acumen. I think it was lack of  
19 confidence in my predecessor's budget acumen.

20           Q    That's fair as well.

21           Did you work with Mr. Kushner?

22           Mr. Marino. And so tastefully stated.

23           Ms. [REDACTED]. I'm sorry?

24           Mr. Marino. And so tastefully stated.

25           Ms. [REDACTED]. Yeah.

1 BY MS. [REDACTED]:

2 Q Did you work with Mr. Kushner on the campaign budget? Was he involved  
3 in that process at all?

4 A He asked for updates on the campaign budget, yes.

5 Q How often would you say he asked for updates?

6 A Weekly, you know. Twice monthly. Somewhere in that timeframe. It's  
7 every two weeks. Once every week as we got closer to the campaign ending.

8 Q And how familiar were you with the process? And this is where I may get  
9 some terms messed up. But in terms of who approves spending for the campaign  
10 versus who approves spending from the joint fundraising committee.

11 A I believe Sean Dollman approved expenditures from the campaign itself.  
12 He may have also had that role on the joint fundraising as well. I'm less clear on that. I  
13 apologize.

14 Q And I know you said that you kind of started to wind down after the election.  
15 And I don't want to put a specific date on that because I think you've covered it. But do  
16 you know if AMMC remained in place for kind of post-election advertising buys?

17 A I don't know that. I don't -- I don't know if that occurred or not. I don't  
18 know if, honestly, the campaign utilized AMMC for that, for that role.

19 Q I know earlier we talked a lot about kind of like the ad media buying. That  
20 was like a lot concern, I think, in terms of budget, like budget issues. But my  
21 understanding was a lot of that ad buying actually went through AMMC, that they were  
22 the largest vendor for the campaign.

23 Did you deal with that at all, or did you see that in your review of the budget?

24 A I mean, any campaign's, at least on the Presidential level, any Presidential  
25 campaign's largest line item would be its TV buying purchase. So it's no surprise to me



1 that whoever was buying TV would be the largest vendor for the campaign.

2 Q So let me ask it a different way because maybe, like, my -- the way I'm seeing  
3 it isn't like the way that it's practically done.

4 Was your engagement with kind of like the actual vendors that you were buying  
5 from and not necessarily like the intermediary AMMC? Like you actually saw how much  
6 was going to, like, this station or this station or this station?

7 A When I took over, we brought in someone or -- actually, yeah, we hired  
8 somebody, Kay Lindor (ph), to kind of be the person in headquarters who would help  
9 craft the campaign's TV buying.

10 So the most specific I got on the buy is to say let's spend -- let's purchase X  
11 number of TV points in the St. Petersburg media market. That's as deep down as I got.

12 Q So you never -- and I apologize because I think AMMC may have been digital,  
13 not TV ads. But you never kind of dug down into who AMMC was actually paying? Did  
14 you ever dig into that?

15 A It was my understanding, and maybe it's not the case, but I believed to be,  
16 that AMMC would be the one interacting with TV stations to place the buy.

17 Q So is it fair to say that would be a Sean Dollman question?

18 A I don't know. I mean, are you asking a question about Sean in regard to his  
19 role as CFO on the campaign or his role as [inaudible] with AMMC?

20 Q Well, I guess what I'm trying to figure out, I think AMMC was the number  
21 one vendor of the campaign by like a huge magnitude.

22 And so I'm trying to figure out kind of like in terms of when you're spending time  
23 on the budget, like how is that kind of like a -- how is a giant piece of it something that  
24 you're either not aware of or not dealing with? Is somebody else dealing with it?

25 Like how is the structure of this giant vendor being handled like from a supervision

1       like who's paying this role? Does that make sense?

2               A     Yeah. I would know, for a point of clarification, I'm sure that whoever  
3       bought Joe Biden's campaign TV was also their campaign's largest vendor and by a large  
4       number, too, or as well. That's just the nature of that campaign exercise, it's the largest  
5       budget item.

6               I knew I was buying TV in St. Petersburg. To whom that check was written, how  
7       that buy was placed, those were details I never -- that never came to my desk. I said I  
8       want to buy a thousand points this week in St. Petersburg, and that's as far as I was dug in  
9       on anything beyond the points.

10              Q     Okay. That's super helpful.

11              Questions -- like earlier when we were talking about -- and I want to make sure I  
12       have this right -- I think you were saying that the -- when Mr. George asked you about the  
13       wind-down period, I think we were talking about the meeting on like -- I think it was  
14       November 9th, maybe. And you were saying like, oh, the campaign was going into  
15       wind-down period.

16              I understand that you kind of said like, hey, digital was somebody else's  
17       responsibility. But what I'm trying to get a handle on, I'm hoping you can kind of help  
18       me understand is, at the time that you're winding down, digital fundraising is ramping up.  
19       And I think you said like, oh, during the week of November 19th -- no, excuse me,  
20       November 15th -- there was a meeting you were talking about during, I think, the 19th.

21              Looking at that week, November 15th to 21st, would you say you were kind of -- I  
22       think you were saying that you were largely done by then in terms of campaign  
23       management. Is that fair?

24              A     On the 13th, the President had placed Giuliani in charge of the legal  
25       operation and for most intents and purposes in charge of the campaign as it was a legal

1 operation at that point in time. So I think that describes my role at that point.

2 I think you're asking about the week of November 15 and what the digital  
3 campaign was doing?

4 Q Yeah. And not to be -- I picked that week just because we talked so much  
5 about it, and it was kind of an easy point in time to pick.

6 But what I'm trying to figure out is just for that week, for example, from the 15th  
7 to the 21st the campaign sent out 104 fundraising emails and 216 texts to over 10 million  
8 recipients doing fundraising.

9 If you're not over that, like who's controlling that operation?

10 A Gary Coby.

11 Q And explain that to me, because like when we looked at your emails, it looks  
12 like Mr. Coby's kind of like a plug-and-chug guy. Like is he responsible for content,  
13 communications, strategy decisions?

14 A What do you mean by "plug-and-chug"? I'm not familiar with that.

15 Q Well, like, to give you an example, I think Mr. George -- I can pull them up,  
16 but there were kind of like conversations where Jason Miller puts up a text, like this is  
17 what we're going to send for Georgia. And Coby sends it, Jason approves it, Coby puts it  
18 in a text.

19 A Yeah. I want to be clear to differentiate that long string of emails, the  
20 Georgia chain, if you will. That was very much, as I read it, I think it was December 31st,  
21 as I read that, that strikes me as a persuasion mechanism that was emailed out or texted  
22 out. You know, that's different to me than the fundraising mechanism.

23 You know, Gary Coby wasn't necessarily in charge of crafting communications  
24 strategies related to persuasion. He was very much on the fundraising side, though.

25 Q So, okay, let's do it a different. Take me back, and let's just be really clear.

1           Before the election, can you explain how does the digital fundraising process work  
2 in terms of who's responsible for approving it?

3           Somebody wants to send out a fundraising email. Can you just walk me through  
4 like what's the process of how that gets approved and sent out?

5           A    That's done entirely by the digital team. The only emails that I ever sought  
6 to approve before they went out were ones that were signed by -- in my name for  
7 fundraising purposes.

8           Q    Like if it was one of those, "Hi, this is Bill, we're trying to raise money"  
9 emails?

10          A    Yeah, signed by the campaign manager, you know.

11          Q    Got you.

12          A    I said, hey, I need to see it. I think one went out before I, like, saw it, and it  
13 really upset me because you're putting something out under my name, I want to see that.  
14 So that was -- I made sure that was course corrected moving forward.

15          But outside of ones that came from my name, signed by my name, that was an  
16 operation that just ran and did not have certainly oversight by me or anyone else.

17          The digital team was very empowered to do what they did. You know, they were  
18 empowered to do what they did.

19          Q    So correct me if my understanding is wrong. It was my understanding that  
20 they did need to run things by research, communications, and legal. Was that your  
21 understanding?

22          A    Perhaps for fact-checking purposes. You know, I guess that was a process  
23 set up in advance of me taking over. I'm glad that it was. But if that was the case, it's  
24 good that it was.

25          Q    So you really had zero visibility into that process and how it worked. Like it

1 was just a well-oiled machine that ran when you got there and you didn't touch it?

2 A So there were two operations I just really was hands off.

3 One was the fundraising operation, not digital fundraising, but actual like  
4 traditional event-based fundraising. That was an operation that was very messy and not  
5 entirely efficient. With 115 days left, there was no way to fix that, and I didn't try.

6 The other operation was the digital operation. You know, a lot has been written  
7 and talked about, about how in 2016 they were such a key to the President -- President  
8 Trump's success, candidate Trump's success. They were very empowered from the very  
9 beginning, paid very well, certainly more than I was paid, to do what they did.

10 And it was very -- I think there was -- they were empowered to do what they did.  
11 And I stood clear of that process, that had been set up going all the way back to 2016.

12 And, again, I think part of that also is, that was also Parscale's expertise, certainly  
13 not mine. So they were raising a lot of money, obviously sending a lot of  
14 communications via text and email.

15 I didn't -- it was hard to fix the -- I couldn't fix the fundraising operation. It  
16 wasn't working. The fundraising aspect of the digital operation certainly was working, at  
17 least in terms of dollars that were coming in. And I didn't seek to adjust that because  
18 there was -- a lot has been written about how much money they did raise.

19 Q So I understand that you -- I definitely hear you that it sounds like digital was  
20 very autonomous and that it was led by Gary Coby. But who did Gary report to or  
21 communicate with? Like who did Gary report to?

22 A Jared Kushner.

23 Q Okay. And how often do you think they met or had communications?

24 A I don't know.

25 Q Okay. And how did you come to know that Jared was who Coby reported

1 to?

2 A I was just -- I was made aware of -- Jared made me very much aware of his  
3 confidence and belief in the digital operation and in Gary.

4 Q Did you ever have any discussions with Mr. Kushner about the digital  
5 operation or how it was running or issues?

6 A No.

7 Q Was it your assumption that if there were issues with digital, Mr. Kushner  
8 would tell you?

9 A I mean, on the campaign flowchart, Gary presumably reported to the  
10 campaign manager, me. But in terms of who Gary answered to, it was not me. I was  
11 not a -- I was not his answerable authority.

12 And in terms of -- sorry, to get back to your question. What was it?

13 Q It was more just -- and I think actually you kind of answered it in the sense of  
14 what it sounds like you're saying is, is that it might look like Gary was under you, but  
15 realistically he reported straight to Mr. Kushner.

16 A Yes.

17 Q And do you know in terms of where Mr. Coby would get comms messaging  
18 or basically direction, would that have come from Mr. Kushner?

19 A I don't believe -- I don't believe so.

20 Q Where do you think -- I'm sorry, go ahead.

21 A Yeah. I think Jared monitored the performance, and the performance, the  
22 dollar intake from the digital operation. But Jared wasn't suggesting messaging to Gary.

23 Q So something I'm hoping that you can explain is, if my understanding is that  
24 digital fundraising has to go through communications, research, and legal, is that the  
25 same communications, research, and legal that you dealt with when we talked about

1 earlier, I think you called it like the truth-telling squad, when you guys were looking at  
2 things and doing research, are these the same research teams?

3 A No. I think that was asked in terms of the Arizona issue that was raised.  
4 That was research by Alex Cannon. He was not a part of certainly the communications  
5 or research. And I'm not sure -- I mean, I can't imagine that the laborious process of  
6 approving those hundreds of messages that you referred to, I don't think that came  
7 across Alex Cannon's desk.

8 I inherited a lot on the campaign, including this process of approval. And,  
9 candidly, I'm encouraged to know that there was a process in place for it.

10 Q So maybe -- can you help us understand, like you like the research  
11 department, what did they do for the campaign? Like what role did they serve?

12 A I think technically -- technically, I think -- the kind of the rapid response  
13 operation fell under or alongside the research operation.

14 So as Joe Biden made a claim at a press conference, that would be seen by the  
15 people monitoring rapid response. They would share that with the research operation  
16 and say, "Hey, you know, let's research this to see if it's fact, if it's fiction, if it's  
17 somewhere in between." And then the campaign can see what to do with -- what they  
18 wanted to do with it.

19 Q Were you ever aware of anyone in the research department preparing  
20 memos on the accuracy of fundraising messages?

21 A No.

22 Q Were you ever aware of anyone on research preparing any memos regarding  
23 post-election claims regarding fraud?

24 A I don't know. I don't know.

25 Q If the research department drafted a memo that had to do with the accuracy

1 of those topics, who would that go to?

2 A That depends on what point we're talking. You know, is this when Justin  
3 Clark was leading the legal operation? Is this when Rudy Giuliani was leading the legal  
4 operation? I think the time windows on that are pretty important.

5 Q I would assume all of this is pre-Mr. Giuliani.

6 And I guess maybe a better way to ask it is trying to figure out, like, where is the  
7 line between Mr. Murtaugh and Mr. Clark? Like what were there -- like where -- what  
8 was Mr. Murtaugh responsible and what was Mr. Clark responsible for?

9 A Tim was, in addition to leading the internal communications department, he  
10 was often obviously seen on TV as a campaign spokesperson. Justin very rarely made  
11 any public, had any public appearances. He was focused on interactions while he was  
12 still in charge with the campaign attorneys that were spread out around the country.

13 Q So -- and I'm talking about pre-Mr. Giuliani -- did the research department  
14 report -- like did it sit in the communications department?

15 A Yes.

16 Q Okay. And so they reported to Murtaugh?

17 A Yes.

18 Q Okay. Sitting here today, understanding that it was a while ago, do you  
19 remember reviewing any memos that were prepared by those analysts about the  
20 accuracy of election fraud claims?

21 A I do not. I do not.

22 Q Do you remember any of them preparing memos or conducting research  
23 regarding the claims made about the Dominion voting machines?

24 A I don't recall that. I don't -- I do not believe I ever saw any report created  
25 on that topic. But, you know -- I'll just leave it at that. I never saw anything on that



1 topic.

2 Q Can we pull up exhibit 22?

3 So I wanted show you an email. This is from November 12th, 2020. I think this  
4 is probably -- I'm just going to call this your wind-down period, if that's okay?

5 A Yeah.

6 Q But it looks like there is an email from you to Murtaugh saying, "Tim, can  
7 your team do research on him?" pertaining to the Arizona attorney general.

8 A Uh-huh.

9 Q I don't know if you remember what this was pertaining to.

10 A I don't.

11 Q Okay. Did you ever ask the research team -- or do you know if anyone else  
12 asked the research team to weigh in on the accuracy of the fundraising emails or texts?

13 A No.

14 Q I guess what I'm trying to figure out or what I'm hoping maybe you can help  
15 me with is earlier, when you were saying that you were running down tips regarding  
16 fraud and you saw your job as kind of the truth-telling squad, did you ever communicate  
17 those truths to the digital fundraising team?

18 A No.

19 Q So there was, would you say, like a disconnect between what the digital  
20 fundraising team was pushing out and what research was finding possibly in response to  
21 what you guys were looking at?

22 A I wasn't even on -- I wasn't even on the campaign's distribution list to receive  
23 the fundraising emails that you're talking about. So I was certainly not paying attention  
24 to what they were doing.

25 Q So I think earlier you said when you had the meeting on November 7th, and

1 this is, correct me if I'm wrong, because this got very politically mechanical very quickly,  
2 but I think you said that there was like a 5 to 10 percent chance of success that the legal  
3 challenges would win. And I believe you were referring to the two recounts in Arizona  
4 and Georgia and the legal challenge in Wisconsin.

5 Was that right? Did I get that right?

6 A Yes.

7 Q If that was wildly inconsistent from what was being represented in  
8 fundraising emails, whose responsibility would that be to --

9 Mr. Marino. Not his.

10 Ms. [REDACTED] Okay.

11 Mr. Marino. I mean, look, he said it like five different times. Are we near the  
12 end of the road?

13 Ms. [REDACTED]. No, no, because I need to get his testimony. But I appreciate it.

14 Mr. Stepien, did you understand my question?

15 Mr. Marino. He's already said about ten times that he was not involved with  
16 digital fundraising and that he wasn't even on their distribution list. They weren't  
17 running things by him. That Coby was reporting directly to Kushner. So you're getting  
18 his testimony.

19 I'm just wondering if we are -- you know, is there an end to this in our near future?

20 Ms. [REDACTED]. Yeah. No, there is.

21 BY MS. [REDACTED]:

22 Q What I'm trying to figure out is, like, earlier you were explaining how your  
23 team was looking at these fraud tips and running them down and finding out the truth  
24 and investigating them.

25 And what I am trying to figure out is, as the campaign manager, do you know who

1 would have been responsible for doing the same thing for digital fundraising, or was that  
2 not being done at all?

3 A I don't know. I know I was not involved in the crafting or approval or  
4 oversight over fundraising emails, and I'm not sure who was.

5 Q I got the impression from you that you were saying it would be Gary Coby,  
6 and to the extent that Gary Coby reported to Mr. Kushner, Mr. Kushner. Is that fair?

7 A I also said that Jared Kushner was not involved in the crafting of messaging.  
8 But to the extent that Gary Coby oversaw the operation, it would be Gary Coby. You are  
9 correct on that point. But I wanted to correct the record on Kushner because I  
10 specifically said he was not involved in -- at that level of detail.

11 Q So would only Gary Coby know where the content of digital fundraising  
12 emails and texts come from?

13 Mr. Marino. I just object to that question. I mean, what he has told you is that  
14 he doesn't know. But --

15 Ms. [REDACTED]. That's fair. But he understood the structure. And I'm just asking  
16 him, based on his understanding of the structure, is that where he's saying you would  
17 have to ask Gary Coby to know where the content came from.

18 Mr. Stepien. I don't know where the content came from.

19 Ms. [REDACTED]. Okay.

20 The --

21 Mr. Marino. Let's take 5 minutes. All right?

22 Ms. [REDACTED]. Okay.

23 Mr. Marino. Thanks.

24 [Recess.]

25 Ms. [REDACTED]. We're back on the record at 6:22 p.m.

1 BY MS. [REDACTED]:

2 Q So just a couple of additional questions.

3 Can you -- if we could go to exhibit 26. I believe you produced this in your  
4 materials. I think it was your Bates number 18. It was basically like a 2020 recount  
5 binder.

6 Were you part of the planning for the election day operations plan?

7 A No.

8 Q Not at all?

9 A There was an operation devoted to election day operations. They were  
10 charged with that responsibility.

11 Q Was this the only election day operations plan that the campaign had, or had  
12 there been kind of previous drafts or suggestions for EDO plans?

13 A I'm not familiar with any.

14 Q In April 2019, did you ever receive a proposed EDO plan?

15 A I don't recall, but it's quite a ways back.

16 Q Yeah. Do you remember discussions where \$3 million would be spent,  
17 roughly half by the campaign, half by the RNC, on EDO operations. Do you remember  
18 that being proposed?

19 A No.

20 Q Do you remember having any discussions with the RNC in 2019 about EDO  
21 planning?

22 A I do not.

23 Q Did you have any discussions with Mr. Kushner about EDO planning?

24 A I do not recall, no.

25 Q Do you happen to know at the time of the election, because this is actually

1 something that's somewhat difficult to figure out, but do you happen to know how much  
2 cash on hand you had at the time of the election? Like how much was left over?

3 A No.

4 Q No idea? Not even a ballpark?

5 A No idea. Not even a ballpark. Hopefully, as close to zero as possible.  
6 But the exact number, I do not know.

7 Q Who would have known that number, if you know?

8 A Campaign treasurer, I assume.

9 Q Is that -- who was that?

10 A I mean, I guess that would be the treasury and compliance team, Sean  
11 Dollman, perhaps, Jason Young, who worked in that operation. But I was unaware.

12 Q And do you remember having any discussions -- I totally understand that you  
13 weren't necessarily involved in digital fundraising -- but do you remember either right  
14 before the election or at the time of the election or immediately afterwards, do you  
15 remember having any discussions about fundraising strategies?

16 A That's kind of a, forgive me, kind of a broad question.

17 Q Yeah. No, that's fair.

18 As the campaign manager at the time of the election, did you have any  
19 discussions -- well, let's just do this. Right after the election, were there discussions  
20 about what was the strategy for fundraising post-election?

21 A I was not focused on fundraising after the election. I was focused on  
22 running down vote counts and trying to have the clearest picture of pathways to victory  
23 or not. Fundraising was not -- fundraising was not on my mind.

24 Q Do you happen to know whose mind it would have been on post-election,  
25 who was running the fundraising for the campaign at that point?

1           A    I assume, only an assumption, it was the same as before election day.   So  
2 Gary Coby.

3           Q    Okay.   Can we pull up exhibit 34, please?

4           I think we talked about this earlier.   This is the email that Mr. Clark sent you and  
5 Mr. Miller about the grifters.

6           But I want to scroll down, if you can, to pages, I think it's 40 and 42, if you can go  
7 all the way to the bottom.   I think it's -- yeah, I think it might be the very first one.

8           Yeah, it says, "It is unclear if there is budget for this."   I think it's 40 to 42.

9           Yeah, there we go.   Okay.   Great.   Sorry.   Apologies for that.

10          If you could look at page 42.

11          There we go.   Okay.   No, too far.   It's right at the top of the next one.   Okay.

12          So Mr. Clark writes, "Let us know those answers as we proceed with an analysis.  
13 As Matt mentioned yesterday, it is unclear if there is budget for this so we need to know  
14 odds of success."

15          I think this email was on December 24th, roughly, in 2020.   Do you know where  
16 he would have been getting the budget that he's referring to there?

17          A    I do not.   At that point I was far removed from this day-to-day and payment  
18 of things like -- for things like this.

19          Q    So if at that point in time in December, late December 2020, if they had  
20 raised \$200 million in the last two months for an election defense fund, would that  
21 money not be that budget for legal?

22          A    I don't know.

23          Q    So they may have nothing to do with each other?

24          A    Or they may.   I don't know either way.

25          Q    Oh, you wouldn't -- okay, you don't know either way.   Okay.

1 Did you have any discussion with anyone about the cost of post-election legal  
2 fees?

3 A Pertaining to?

4 Q Who would pay them, how much they would be, like how they would be  
5 handled?

6 A For anyone in particular?

7 Q Anybody.

8 A Post-election legal fees? For these lawyers? Are you talking legal fees  
9 pertaining to these lawyers?

10 Q Who would pay for recounts? Who would pay for lawsuits? Who would  
11 pay for litigation? Like, who would pay for the legal fees post-election?

12 A Never had a conversation on that topic.

13 Q Who would be responsible for that, if you know?

14 A It seems like it would be the people in charge of the legal effort, which by  
15 that point in time seems like it was largely Mayor Giuliani and his operation.

16 Q Before the 13th and Mr. Giuliani took over, would it have been Mr. Clark?

17 A Presumably.

18 Q Okay. But this email is in December, and Mr. Clark is still saying it's unclear  
19 if there is budget. So in December, is he still the person who's knowledgeable about the  
20 legal budget?

21 A It seems like he -- it seems to be -- it seems like he has some -- it seems like  
22 he has some knowledge on this topic, but I can't speak beyond what I see on this page.

23 Q And you didn't have any conversations with him about who may have been  
24 directing the legal budget or what involvement he may have had in the legal budget?

25 A No.

1           Q    Did you ever have any discussions with anyone on the campaign or in the  
2   administration regarding the creation of the official legal defense fund?

3           A    No.

4           Q    Had you ever heard of it prior to me asking that question?

5           A    The official legal defense funds?

6           Q    Excuse me, the official election defense fund, I apologize, the official election  
7   defense fund.

8           A    I know that there were -- I heard conceptionally about such a fund, but  
9   specifically no.   And leave it at that.   Specifically, no.

10          Q    When you said that heard discussions about -- I think you just said you heard  
11   discussions about a fund, do you remember who you heard -- like who discussed that  
12   with you or how you heard about it?

13          A    By reading about it.

14          Q    Okay.   So outside of reading public reporting, did you have any knowledge?

15          A    No.

16          Q    I believe you were sort of still involved in November, before November 13th.  
17   Did you have any involvement in the discussions regarding forming the Save America  
18   PAC?

19          A    No.

20          Q    Did you have any discussions with anyone about moving proceeds from the  
21   Joint Fundraising Committee to Save America or the RNC?

22          A    I mean, there were budgetary -- there were budget discussions regarding  
23   certain campaign accounts, whether RNC or campaign or -- and I was party to those  
24   discussions.   But yes, I -- so I was, yes, party to those discussions.

25          Q    Can you tell me about those?



1           A    Anything specific I need to focus in on?

2           Q    Well, actually, I want to be specific, but I have a feeling you know better than  
3 I do probably what the structure was, because as you mentioned earlier, I think you said  
4 like there were all these, like, Trump-affiliated entities.

5                So to the extent that you were winding down and kind of like making the decisions  
6 about what went where, to the extent that you can kind of explain it, that would be super  
7 helpful.

8           A    At what point in the campaign are we talking?

9           Q    This would have been right after the election, probably early November -- I  
10 want to say probably around November 9th?

11          A    No, at that point in time I was not involved in budget discussions.

12          Q    At what point did you become involved in budget discussions?

13          A    I was -- I attended budget meetings where we reviewed how much money  
14 we had, what accounts had money, and the like, but that was all pre-election day. I  
15 was --

16          Q    Did you --

17          A    I cared about the budget solely focusing on how much money the campaign  
18 had to spend.

19          Q    Yes, did you have any of those discussions post-election?

20          A    No.

21          Q    Did you have any discussions about how the money -- any donated moneys  
22 would be split after the election?

23          A    No.

24          Q    Your -- I believe your -- the political consulting company that you said you  
25 created with Mr. Clark is called National Public Affairs?

1 A Correct.

2 Q You did some consulting work, I believe, for Save America between July and  
3 December 2021?

4 A Correct.

5 Q Can you tell me what that work was?

6 A Sure. Weekly political updates from political happenings, campaigns,  
7 elections, and races on a weekly basis.

8 Q So I believe you got a disbursement for about \$60,000 for the work that you  
9 did for Save America between July and December. So it was about \$60,000 for, I think,  
10 6 months. So it's about \$10,000 a month. Is that how much the weekly update costs?

11 A I mean, we're paid \$10,000 a month, you know. But I'm not putting a price  
12 tag on a weekly update. At times, I think, more of that is involved than a weekly update.  
13 You know, we provide political opinions and political updates and weigh in on certain  
14 political decisionmaking.

15 So I wouldn't minimize it to \$10,000 a month for a weekly political.

16 Mr. Marino. You said that's a \$10,000 a month retainer?

17 Mr. Stepien. Yeah.

18 BY MS. [REDACTED]:

19 Q Okay. And I was just -- if it was a \$10,000 a month retainer for everything, I  
20 was just trying to figure out, because you said it was for a weekly update. So that's what  
21 I was just trying to figure out.

22 A I responded with a very specific thing that I do every week. I know my  
23 opinions and updates are very valuable, but I wouldn't put that at \$10,000 for my -- for  
24 merely my update.

25 Q Well, it could be the best weekly update in the world. I don't know. Who

1 am I to judge?

2 Did you do any work for them between January and June of 2021?

3 A January and June of '21? I don't know when -- I am not sure when we  
4 officially began our agreement with the entity. So, I mean, we started before June. I  
5 just don't know how much before June.

6 Q Are you aware of any other contributions that the Save the America PAC  
7 made to other individuals that you may know or be aware of?

8 A Can you be more specific?

9 Q Sure. For example, I believe Mark Meadows has a, what is it, charity -- not  
10 a charity. It's like a business, I guess. I guess it's maybe like a political consulting. He  
11 got a million dollars, I believe, recently. Were you aware of that, the disbursement,  
12 from the Save America PAC?

13 A I believe I read about -- I believe I -- what I know is what I read publicly.

14 Q Okay.

15 A I was not involved in any of that decisionmaking.

16 Q Okay. And just out of curiosity, do you remember when your discussions  
17 with Save America started in terms of when they kind of hired you to start doing work for  
18 them?

19 A I don't. I would -- I'm going to ballpark it here and say early spring, I think.

20 Q Is that -- sorry, wait, early spring. Like if you had to put a month -- like, I'm  
21 sorry, I just am terrible with seasons because I grew up in Florida and they're not a thing  
22 there.

23 A I'm completely -- there is a concrete answer to this question, which I'm not  
24 giving you. I'll say March, April, sounds right. It could have been a little before, a little  
25 bit after, but that's my best ballpark for you right now.

1 Q Okay. Can you give us just one second?

2 A Sure.

3 [Discussion off the record.]

4 Mr. [REDACTED]: We are five minutes away, and I appreciate your indulgence, Mr.  
5 Stepien.

6 Let me just -- a couple things to pick up on in response to some of the things you  
7 said in response to [REDACTED] questions.

8 Does your consulting work for the Save America PAC include advice about where  
9 to distribute funds, other entities to which Save America should give as part of an overall  
10 political strategy?

11 Mr. Stepien. No.

12 Mr. [REDACTED]: You mentioned earlier that the campaign -- back in the campaign  
13 period that you were managing, there was event-based fundraising, there was digital  
14 fundraising.

15 Can you give me a sense as to the relative value of each? Is it fair to say digital  
16 fundraising was much more successful or contributed a larger share of the campaign's  
17 overall budget than the event-based fundraising?

18 Mr. Stepien. Yes.

19 Mr. Marino. Hold one second, please.

20 [Discussion off the record.]

21 Mr. Marino. Sorry about that.

22 Mr. [REDACTED]: No, that's okay.

23 BY MR. [REDACTED]:

24 Q I think just to restate, I'm just trying to get a sense of the sort of relative  
25 return of event-based versus digital fundraising during the campaign period prior to the

1 election.

2 A Okay. The campaign relied heavily on the digital operation and not at all on  
3 the I'll call traditional or event-based operation.

4 Q All right. And how does that compare, Mr. Stepien, to the prior  
5 Presidential campaigns on which you worked? You mentioned you worked on the  
6 McCain campaign and the Bush campaigns. Is that a change, sort of a more recent  
7 development in Presidential campaign fundraising? Or just help me understand how  
8 that fits into history.

9 A Yeah, it's a good question. There is a natural evolution certainly from Bush  
10 and McCain and Romney to current day. [Inaudible] digitally than ever, and will say the  
11 same thing 4 years from now.

12 However, the traditional -- I'll just keep calling it the traditional fundraising  
13 operation -- just was -- even accepting and embracing the evolution of digital fundraising  
14 to be more so than ever, the traditional fundraising operation, it was inefficient, it was  
15 mired with personality conflicts. Someone even thought that maybe they spent as  
16 much money as they raised.

17 So I couldn't rely at all on anything coming from the traditional fundraising  
18 operation.

19 Q I see. So a couple different things going on there. Generally, the  
20 evolution of political fundraising is tilting more and more to the digital. That's true,  
21 really, on both sides, right? That's not strictly a Republican thing?

22 A Yes. Correct.

23 Q But it sounds like in addition to that, with respect to the Trump reelection  
24 campaign, the traditional fundraising, I think you called it a mess or messy. It just was  
25 particularly inefficient or didn't really make much money. Is that right?

1           A    Correct.

2           Q    Okay.  And that sounds like something you inherited.  That's not  
3 something you created.  That was the situation when you took over for Mr. Parscale.

4           A    Correct.

5           Q    Okay.  So it sounds like digital fundraising is the primary source of, by a lot,  
6 by an order of magnitude, the primary fuel for all the TV ads and all the campaign  
7 spending that the campaign did.  Is that right?

8           A    Yeah.  There was also, you know, the President often did fundraising on  
9 behalf of the RNC to support many of their operations as well.  So I don't want to give  
10 the impression that it was only digital because he did spend quite a bit of time at these  
11 things for -- on behalf of the RNC.

12          Q    Right.  So some of that money on the traditional events didn't go to the  
13 reelect President Trump campaign, it went to the Republican National Committee and  
14 supported other candidates and political activity?

15          A    Correct.  And, in fact, that was often -- it was kind of a little bit of a strain  
16 the number of events that the President kept getting asked to do on behalf of the RNC.

17          Q    Yeah.

18          A    So yeah, it was -- yes, that's correct.

19          Q    Okay.  Did the RNC have any role in the digital operation that you described  
20 before?  I know you didn't have a lot of visibility into it, Mr. Coby did.  But do you know  
21 if the RNC contributed personnel or had any role in that part of the fundraising  
22 apparatus?

23          A    I don't believe so.  I believe they had their own thing that they did, I think  
24 depending of what the Trump campaign did.

25          Q    Okay.  Our understanding is that digital fundraising sometimes is done by

1 contractors who actually get a percentage of the money that is raised by a particular  
2 email or text. Is that accurate? Am I -- is that -- do you know if that's true?

3 A That's accurate.

4 Q And do you know whether or not the --

5 A It depends on the vendor and the contract, obviously. But I just want to  
6 offer that standard disclaimer.

7 Q Okay. And do you know whether or not Mr. Coby, the Coby-run digital  
8 fundraising operation for the Trump reelection campaign utilized vendors that actually  
9 themselves were incentivized to take a percentage of the haul, the return on those ads?

10 A Never reviewed those contracts.

11 Q Okay. So you don't know whether they existed or not? Were those  
12 vendors used, or were they not used?

13 A I don't know if outside vendors were used. And if they were, I'm not sure  
14 how they were compensated.

15 BY MS. [REDACTED]:

16 Q Were you aware of any of the vendors being owned by Mr. Coby himself that  
17 the campaign used?

18 A Yeah. I know that Gary had his own operation, yeah. Gary had his own  
19 operation, his own thing, yes.

20 Q So you knew that he had his own companies that where vendors to the  
21 digital fundraising program that he was supervising?

22 A Yes.

23 Q Who would have been responsible for kind of like overseeing that or kind of  
24 monitoring or knowing if that was kosher?

25 A People who signed the contracts, which preexisted me, I assume.

1           Q    Okay.

2           Mr. [REDACTED]   Yeah, it sounds like when [REDACTED] was asking you questions about  
3   review of digital content, you didn't have any personal knowledge, Mr. Stepien, as to  
4   whether that content was reviewed by legal or research or any other sort of arm of the  
5   campaign.   Is that right, as a sense I had from your prior answers?



1

2 [6:47 p.m.]

3 A Yeah. I -- I -- I hope that there's some, you know, sort of review process in  
4 place, you know, with any communication that a campaign is -- is -- is putting out,  
5 whether it be a TV ad or -- or, you know, an email. But, you know, many of the  
6 processes that I inherited were, you know, suboptimal. So I'm -- I'm encouraged, you  
7 know, to know that those things were in place.

8

BY MR. [REDACTED]:

9 Q But to be clear, it sounds like you were not at the time during the campaign  
10 aware as to whether or not that review actually did or did not take place. Is that right?

11 A I took over a campaign that had been running for 3.5 years by the time I took  
12 over.

13 Q Yeah.

14 A And, you know, I -- I'm sure there was a lot I didn't know that went on in the  
15 campaign. So --

16 Q Yeah.

17 A -- I hope that, you know, people are signing off on, you know, content and  
18 review.

19 Q Do you know whether there's a difference between a television ad? It  
20 sounds like you had a lot more visibility on the sort of traditional -- I think you described  
21 these advertisings as meant to influence opinion, not to raise money. But do you know  
22 whether there's a difference between how that content was evaluated for sort of legal or  
23 research purposes versus digital content?

24 A Yes. I had a -- you know, I had a role in looking at TV ads and approving TV  
25 ads and know that lawyers did as well. So I, you know, I personally had a different role

1 in the two.

2 Q All right. So you were clear from your vantage point as campaign manager  
3 absolutely legal and research review of traditional broadcast messaging but didn't know  
4 at the time as to whether similar review took place over the digital fundraising content?

5 A Correct.

6 Q Is that -- okay.

7 BY MS. [REDACTED]:

8 Q But real quick. Is it your understanding that the digital fundraising emails  
9 didn't influence opinion? It's almost like you're separating the content of the digital  
10 fundraising emails. Because, like, earlier when you were talking about TV ads, well, they  
11 were to influence opinion politically. But was it your impression that the digital  
12 fundraising emails didn't influence politically?

13 A The goal of digital fundraising was to raise money.

14 Q That's the sole goal?

15 A From my understanding, from a nondigital, you know -- from a nondigital  
16 perspective from where I stand, that's my view of what their goal is.

17 Q So this is super helpful because, again, politics, no idea. But as a campaign  
18 manager, is there any perception about the importance of the content of -- digital  
19 fundraising is such a big part of the campaign process. Is there any perception of the  
20 importance of the content of those communications?

21 A Is there any importance to the content?

22 Q Yeah, their value in terms of political sway or the impact that it has on voters  
23 like in terms of, like, their messaging or, you know, the ramifications of what's in them?

24 A I'm not a -- I didn't -- I'm not a digital person. I didn't work in the digital  
25 operation. I would assume that they were, you know, trying to raise money and care

1 most about raising money and not swaying opinion, but that's not -- it's not and wasn't  
2 my realm in the campaign.

3 Q That's helpful to know. Thank you.

4 BY MR. [REDACTED]:

5 Q Let's talk now about sort of election day forward. Why in your view,  
6 Mr. Stepien, did the campaign continue to raise money after November 7th when the AP  
7 had declared the race over and you had assessed its likelihood of a change in that  
8 outcome at such a minimal, you know, 5, 10 percent level?

9 A Don't know if that was to fundraise on behalf of a future candidacy. I don't  
10 know if that was to fundraise on behalf of other candidates or disburse monies to  
11 candidates or to party build.

12 Mr. Marino. Don't speculate.

13 Mr. Stepien. Yeah. There --

14 BY MR. [REDACTED]:

15 Q I don't want you speculating. I'm just wondering actually -- I appreciate  
16 Mr. Marino's clarification.

17 Did you have any conversations in your role as campaign manager with anyone,  
18 the President or others, about whether or not to and how to raise money after the  
19 election had run its course and had been called for President Biden?

20 A No.

21 Q The campaign, do you have any sense as to how the messaging, the actual  
22 content of the digital fundraising changed from pre- to postelection? Did you have any  
23 visibility into the content of those email and text messages that were sent out to  
24 potential contributors?

25 A Can you repeat the question? I'm sorry.

1 Q Yeah, it was a bad question. Did you have any visibility into the -- what the  
2 content, the change in content was pre- to then postelection?

3 Mr. Marino. For digital fundraising?

4 Mr. [REDACTED] Yes.

5 Mr. Stepien. I did not. I did not. I would assume that --

6 Mr. Marino. Don't assume.

7 Mr. Stepien. It would only be an assumption. Sorry.

8 BY MR. [REDACTED]

9 Q Yeah. And, again, I don't want you to assume either. I can just tell you, I  
10 can represent to you that it changed from reelect President Trump, he's done great things  
11 for America, to stop the steal, fight the fraud, we can't let the Democrats steal this  
12 election.

13 And my question is whether you had any discussions with anyone about the  
14 intentionality of that messaging, the veracity of those claims and that digital content?

15 A I did not.

16 Q Do you have any idea where all of the money -- and as Ms. [REDACTED] said, it was  
17 hundreds of millions of dollars that came in postelection through the digital fundraising  
18 apparatus. Do you have any idea where that money went, what it was used for?

19 A I believe that many of those dollars are still on hand, but that's only based on  
20 what I read.

21 Q I'm sorry. Many of those dollars were what?

22 A Are still on hand and not spent, not disbursed.

23 Q Still on hand. I see.

24 Mr. Marino. You're getting the benefit of what Mr. Stepien knows from reading  
25 the paper.

1           Mr. Stepien.   Yeah.

2           BY MR. [REDACTED]:

3           Q     And I guess, again, I'm just trying to pinpoint what you knew in your role  
4     then either directly or that you heard from other -- people with whom you worked on the  
5     campaign.

6           A     There was no -- I had no knowledge or insight.   I had no conversations  
7     regarding postelection fundraising strategy, what would be said, how it would be said,  
8     what would be done with those monies, none of that --

9           Q     Yeah.

10          A     -- any insight or knowledge of this.

11          Q     Okay.   Last question from me.   You said before -- and I appreciated your  
12     candor -- that part of the reason you became a bystander was because the strategy, it  
13     was stuff with which you were not comfortable or you didn't any longer want to be  
14     associated with some of the things that were being said and done by the crazies, team  
15     crazy, for lack of a better word.

16                 Is the digital fundraising apparatus with respect to Stop the Steal and the  
17     incessant fundraising around that theme, is that part, Mr. Stepien, of the things with  
18     which you were uncomfortable that forced you to step back?

19          Mr. Marino. [REDACTED], he's testified that he didn't have any involvement or  
20     knowledge of that.   So I don't know how that could be part of that, but --

21          Mr. [REDACTED].   Well, let me just ask.   I appreciate that, Mr. Marino.   But --

22          Mr. Marino.   I just want -- I understand what you're saying and I -- and you're  
23     accurately characterizing his prior testimony.   But I just -- I want to be careful with, you  
24     know, making certain that we're getting his personal knowledge on the subject.

25          Mr. [REDACTED].   Yeah.   To the extent you had any personal knowledge of Stop the

1 Steal fundraising, was that one of those things that with which you had problems that  
2 caused you to step back from your role as the head of the campaign?

3 Mr. Stepien. To be honest, no, I didn't -- I didn't know about the content. I  
4 didn't have visibility into the content. I didn't approve the content. As I noted, I wasn't  
5 even on the campaign's email list. So I wasn't even seeing the content on the -- on the  
6 back end once it was sent out.

7 Mr. [REDACTED]. Yeah.

8 Mr. Stepien. So I had -- you know, I had -- you know, I had personal reasons for,  
9 you know, stepping away. But the digital operation just based on that lack of visibility  
10 was not one of those factors.

11 Mr. [REDACTED]. I understand. That's it. That really was my last question. See, I  
12 told you.

13 BY MS. [REDACTED]:

14 Q I just want to go back and clarify something, because I had this down in my  
15 notes but I don't think it's right. Did you say that at the time that -- at the date of the  
16 election, you did not know whether there was debt or cash on hand? You had no idea  
17 how much money the campaign had?

18 A What I was saying was our goal was to spend as closely down to zero as  
19 possible and --

20 Q And --

21 A -- and leave the campaign not with debt nor with, you know, a sizeable  
22 amount of money left. Our goal, any campaign's goal should be to spend as closely  
23 down to zero as possible. That was -- that was our goal.

24 Q And my question is: Is do you know where you were at the time -- at the  
25 night of the election, do you know what that amount was?

1 A No.

2 Q You have no idea how much money was left or whether -- whether you were  
3 in debt or whether there was cash on hand the night of the election, you have no idea?

4 A We had a -- a weekly budget that spent down to zero -- that spent down to  
5 zero by the -- by the end of election. That's the budget we followed. Those were the  
6 spending plans that were followed. You know, based on the numbers we saw every  
7 week in our budget meetings, we made spending decisions and spent down based on that  
8 budget down to zero. I wasn't making calls on election night asking how much money  
9 was left or how much money wasn't left. We made budget decisions, you know, based  
10 on the budget spreadsheet that was presented to us.

11 Q So was it your understanding that right before the election it was close to  
12 zero?

13 Mr. Marino. Doesn't know the answer to the question. He said it five times.  
14 My goodness.

15 Ms. [REDACTED] Well, the only reason I'm surprised is because --

16 Mr. Marino. You can be surprised till the cows come home, but that doesn't  
17 change the answer.

18 Ms. [REDACTED] No, no, that's fair. It's just my understanding is most cam- -- let me  
19 rephrase the question.

20 BY MS. [REDACTED]

21 Q For your previous campaigns, the night of the election, did you also not have  
22 any idea how much money was left either in debt or on hand?

23 A I did not say I had no idea. I said we spent as closely down to zero as we  
24 possibly could.

25 Q But you can't tell me how close to zero you were?

1 A No, I could not.

2 Q Okay.

3 A And I --

4 Q Okay.

5 A -- and I would -- I appreciate you saying that you don't have a lot of  
6 campaign experience. But I -- I think most people in my position on a campaign that  
7 spent hundreds of millions of dollars, you know, on the election night you don't  
8 have -- no, that's a question for the campaign treasurer to get down to that minute detail  
9 on election night.

10 Q Well, and to be fair, that's why I was asking a ballpark. I was literally  
11 saying, did you have an idea of the ballpark of where you were, and you couldn't give me  
12 a ballpark. I'm not -- I'm not trying to be unclear. I was literally trying to ask: As the  
13 campaign manager, what did you know about what was on hand? I -- I thought that was  
14 clear.

15 Mr. Marino. That's enough. Next question. Next question.

16 Mr. Stepien. I've answered your question to the best of my ability.

17 Ms. [REDACTED]. That's fair.

18 Mr. [REDACTED]. Okay. [REDACTED] or [REDACTED], anything else?

19 All right. Mr. Stepien, the last question we always ask everybody, it's not even a  
20 question; it's just sort of an invitation. If there's anything else that you recall that might  
21 be relevant to the issues that we're examining, anything we haven't asked you that you  
22 think is important for us to know or anything that you need to say or you want to get on  
23 the record or clarify?

24 Mr. Stepien. No. No.

25 Mr. [REDACTED]. Okay. All right. Well, I'll just -- we -- before we go off the



1 record, I'll just say thank you again. I appreciate you being here. I know it's been a  
2 long day, but I appreciate your attention to the questions. Yeah. And we will let you  
3 know sort of if we need anything else. It's our intention not to, to be clear.

4 Mr. Marino. That's great.

5 Mr. Stepien. Thank you.

6 Mr. [REDACTED]. All right. We can go off the record.

7 [Whereupon, at 7:00 p.m., the interview was concluded.]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

Certificate of Deponent/Interviewee

I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

\_\_\_\_\_

Witness Name

\_\_\_\_\_

Date